

IN THE COURT OF MUNSIF CHANGANACHERRY

Present:- Smt. Sarica A. R., Munsiff

Thursday the 20th day of February, 2025
29th day of Falgunam, 1946

O. S. No.46/2024

Plaintiff:-

Saneesh K Sunny, 35 years, S/o K.C Sunny,
Kadappally House, Fathimapuram P.O,
Changanacherry Village, Changanacherry Taluk.

By Adv.P Anil Kumar

Defendants:-

1. Tomichan @Johnson C.T,55 years,
Chettuthadathil House, Santhipuram P.O,
Karukachal Village, Changanacherry Taluk .
2. PJ Thomas, 75 years, Parackal House,
Fathimapuram P.O, Changanacherry Village,
Changanacherry Taluk.
3. Grasy Thomas, 69 years, W/o PJ Thomas,
Kadappally House, Fathimapuram P.O,
Changanacherry Village, Changanacherry Taluk.

Exparte

This suit having been finally heard on 19.03.2025 and
court on 20.03.2025 delivered the following :-

J U D G M E N T

The suit is for permanent prohibitory injunction

2) **Plaint averments are as follows:-** The plaintiff is a driver at Metropolitan Bishop House, Changanacherry. The first defendant is the ex-husband of the plaintiff's wife and the second and third defendants are her parents. Item No.1 property developed upon the plaintiff by virtue of Settlement Deed No.1277/2023 and has an extent of 2 Ares and 72 Sqm. The plaintiff with his wife and minor children of the plaintiff's wife in the first marriage is residing in item No.1. Item No.2 is building No.11(2) in ward No.16 in Changanacherry Municipality which is partly cemented and partly covered with sheet. The plaintiff and his wife who were divorcees had remarried as per Special Marriage Act in Changanacherry SRO and the wife along with her minor children in the first marriage is under the care and protection of the plaintiff. The plaintiff is a cancer patient.

3) The first defendant, after the divorce, has been committing mischief towards the wife of the plaintiff and the minor children and has been harassing them with death threats. Various complaints have been instituted before proper

authorities regarding the same. The second and third defendants who are under the monetary help and influence of the first defendant have been aiding the first defendant for the same. The second and third defendants have been committing mischief and waste on the household items in item No.2 and constantly creating commotion. Apart from the wife of the plaintiff, the second and third defendants have two other children in Changanacherry. The second and third defendants who were residing with their other children have started residing in item No.2, and under the influence of the first defendant are creating a commotion therein. The same is affecting the peaceful life of the plaintiff along with the minor children, whose life and education is being affected. This being the situation, on 3.2.2024, the second and third defendants attempted to evict the plaintiff, his wife and minor children from the plaint schedule property and threatened them with threats. The plaintiff avers that they even threatened the plaintiff and family with allegations of false case, and the second defendant strangled the plaintiff piercing his nails into the neck of the plaintiff, causing him pain. The second defendant also kicked on the lower abdomen of the plaintiff and created false allegation against the plaintiff, including registration of a case with the police.

Thereafter, after their attempt went in vain on enquiry by the police, the defendants 2 and 3 threatened the plaintiff with attempts of suicide under attempting to prevent the entry of the plaintiff into the plaint schedule property followed by threats from the first defendant. Hence, this suit.

4) The defendants were set exparte on 25.1.2025.

5) On the side of plaintiff, PW1 was examined and Exhibits A1-A8 were marked. Commissioner report and sketch was marked as Ext. C1 and Ext.C1(a).

6) Heard the counsel for the plaintiff.

7) The evidence as well as the documents proved the case of the plaintiff. Hence, the plaintiff is entitled to a decree for permanent prohibitory injunction, as prayed for.

In the result, the suit is decreed as follows:

- 1) The defendants and men under them are restrained by a decree of permanent prohibitory injunction from trespassing into the plaint schedule property item No.1, committing any mischief or waste therein and from obstructing the peaceful life of the plaintiff along with his possession and enjoyment of the

plaint schedule property item No.1.

- 2) The plaintiff is entitled to realise the cost of the suit from the defendants and their assets.

(Directly typewritten into my personal laptop and pronounced by me in the open court on this the 20th day of March, 2025.)

Sd/-

SARICA A.R
MUNSIFF

APPENDIX

Exhibit marked for the Plaintiff

A1	14.07.2023	Certified copy of settlement deed No.1277/23
A2	02.09.2022	Certified copy of settlement deed No.2170/22
A3	13.06.2017	Certified copy of sale deed No.924/17
A4	14.11.2024	Tax Receipt
A5	21.01.2025	K.S.E.B Bill
A6	27.12.2024	Water Authority Bill
A7	05.10.2023	Change of Ownership Notice
A8	21.08.2023	Certified copy of thandaper Account.

Exhibit marked for the Defendant- Nil

Court Exhibits

C1	21.02.2024	Commission report prepared by Adv.Thomas Joseph
C1(a)	21.02.2024	Rough sketch prepared by Adv.Thomas Joseph

Witness examined for the Plaintiff

PW1	19.03.2025	Saneesh K Sunny
-----	------------	-----------------

Witness examined for the defendant- Nil

Id/-

MUNSIFF

// True Copy//

Copied by:

Compared by:

Sd/-

SARICA A.R**MUNSIFF**

