

IN THE COURT OF THE MUNSIFF, TIRUR
PRESENT: Sri. LENIN DAS K.K. , MUNSIFF (IN CHARGE)

Friday, the 24th day of February, 2023
the 5th day of Phalguna, 1944

INTERLOCUTORY APPLICATION No. 8 OF 2023
IN ORIGINAL SUIT NO. 29 OF 2023

Between:

Saidalavi, S/o. Kunhi Muhammed,
Muliyaathil House, Trikkandiyur amsom,
Kumaramangalam desom, Tirur Taluk, 676 101.

} Petitioner
1st Defendant

And:

1. Naseera, W/o. Muliyaathil Muhammedali,
Niramauthoor amsom, desom, Tirur Taluk, 676 119.
2. Abdu Rahiman, S/o. Bava Molla, Kizhakkumpatt House,
Trikkandiyur amsom, Kumaramangalam desom,
Tirur Taluk, 676 101.

} Respondents
Plaintiff/D2

This petition coming on this day for hearing before me in the presence of Sri. M.A.Ismail, Advocate for petitioner and of Sri. E.M.Purushothaman, Advocate for 1st respondent and of Sri. K.Vipin, Advocate for 2nd respondent and the court passed the following;

ORDER

The application is one for ad interim injunction under Section 151 of Civil Procedure Code.

2. Petitioner is the first defendant in the above suit. The suit is one for injunction. The above suit has been filed to restrain the respondents/defendants from obstructing the petitioner from constricting a compound wall on the northern boundary of the way except the four feet wide way on the southern boundary of the plaint schedule property or from filling soil in the trench for the purpose of constructing compound wall in the same or from taking away the laterite stones collected by the petitioner for constructing the compound wall on the petition schedule property or from interfering with the peaceable enjoyment and possession of the plaint schedule property by the plaintiff. Then the case was posted to 07.03.2023. The Advocate Commissioner inspected the property and filed report and plan. Even after inspected the property by the commissioner, the plaintiff

continues to construct the wall from their property to affect the petitioner/defendant No.1 and others using the road on the southern side of the petition schedule property. Hence, he prays for an order of maintaining status quo in respect of the petition schedule property till the disposal of IA 2/2023. Notice was sent in IA 2/2023 and the case was posted to 07.03.2023.

3 . Heard.


4. The respondent/plaintiff has filed the above suit before this Court, in which an Advocate Commissioner was deputed for inspection of the property vide orders in I.A. No. 03/2023 and I.A. No. 6/2023, dated 01.02.2023 and 17.02.2023 respectively. Commissioner filed Report and Plan, dated 23.02.2023. Petitioner/defendant No.1 apprehends that the respondent/plaintiff will construct the wall from their property so as to affect the petitioner/defendant No.1 and others using the road on the southern side of the petition schedule property before the disposal of IA 2/2023. The Commissioner has reported that in the event of continuation of the construction of the wall by the respondent it would obstruct the use of the road to the south of the schedule property by the petitioner and others. Hence, I am satisfied that the apprehension of the petitioner is well founded. Parties can be directed maintain status quo to avert the legal wrangle or complication that might ensure. If the property as such is preserved till the disposal of the application, no inconvenience and hardship would be caused to the plaintiff.

In the result, the application is allowed and the parties are directed to maintain status quo as on the date of inspection of petition schedule property as reported by Advocate Commissioner until further order passed in IA 2/2023.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court, this the 24th day of February, 2023).

MUNSIFF.

Typed by : T.Sajeesh

Compared by: 1)  2) 