

IN THE COURT OF THE MUNSIFF, TIRUR
Present: Sri. SANU C., MUNSIFF
Friday, the 11th day of April, 2025
the 21st day of Chaithra, 1947
INTER LOCUTORY APPLICATION No.20 OF 2025
IN ORIGINAL SUIT No.29 OF 2023

Between:

Muliyathil Naseera, 45 years,
Represented by Power of Attorney holder,
Husaband, Muliyathil Muhammadali, 49 years,
Niramaruthur amsom desom, Niramaruthur P.O.,
Tirur Taluk, Pin – 676109.
As per the order in IA 9/2023 dated 03-08-2023.

Petitioner
Plaintiff

And:

1. Abdurahiman, 59 years,
Kumaramangalam AMLP School Manager,
S/o. Bavamolla,
Muliyathil Saithalavi's children;
2. Faisal Babu, 39 years,
Represented by Power of Attorney holder
Abdul Saleem, S/o. Saidalavi, Muliyathil House,
As per the order in IA 16/24 dated 23-08-2024.
3. Abdul Saleem, 35 years,
4. Kadeeja, 32 years,
5. Saith Ibrahim, 28 years,
6. Fathimakkutty, 59 years,
W/o. Muliyathil Saithalavi,
Respondents are residing at Thrikandiyur amsom,
Kumaramangalam desom, Tirur P.O.,
Tirur Taluk, Pin – 676101.

Respondents
D2 to 7

This petition having been finally heard on 07-04-2025 before me in the presence of Sri. E.C.Suresh, Advocate for the petitioner and of Sri.K.Vipin, Advocate for the respondent No.1 and of Sri.M.A.Ismail, Advocate for the respondents No.2 to 6 and of and the court on 11-04-2025 passed the following;

ORDER

This is an application filed for seeking police protection in order to preserve

the interim order of 'status quo' dated 24.02.2023, to maintain as reported by the commission report dated 23.02.2023.

2. The case of the petitioner is as follows: The petitioner is the power of attorney holder of the plaintiff in the above suit. The suit is filed for permanent prohibitory injunction restrained for respondent from obstructing the petitioners from constructing a boundary wall at the southern side and by widening the four feet way at the southern portion of plaint schedule property and to refrain the respondents from filling the foundation pit made for the same. The commissioner submitted the report and plan on 23.02.2023 and there is an interim order to maintain the 'status quo' also passed by this court on 24.02.2023. The same is applicable to the legal heirs of deceased first respondent. However, the above order was violated by the respondent and the same was reported by the commissioner in its report dated 12.02.2024. In order to maintain the 'status quo', assistance of the police authority is expedient. In order to obtain the same, though the petitioners approached Hon'ble High court of Kerala is directed to submit the same before the court. Hence the petition.

3. Respondents filed counter and contended as follows: The petition is not maintainable. The petitioner is making an attempt to reduce the width of the way by constructing a wall which has been using this respondents, teachers and students of AMLP school for 35 years. In order to prevent the attempt of the

petitioners, this respondents filed an IA and the order of 'status quo' had passed this court. The attempt of the petitioner is to construct the compound wall with the help of police and it shall not be allowed.

4. Points for consideration:-

I. Whether the petitioner is entitled to get the relief as prayed for?

5. Heard both sides.

6. The prayer of the petitioner is to obtain assistance of the police in order to maintain the 'status quo' order dated 24.02.2023. It is submitted that the respondents already violated the order to a certain extent. In the intervening summer vacation for civil courts, there is an every chance to violate the order further by the respondents. It will cause much hardship and serious injury to the petitioners. But the learned counsel for the respondent submitted that, this is a tactics of the petitioner to construct a wall at behest of the court. Respondent will not commit any violations in disobedience to the court.

7. If there is an order of court of law, both parties are bound to abide the same. If any grievance or hardship caused to any party, the proper course of remedy is to apply for necessary modification in the order or otherwise in accordance with law. This court passed an interim order on 24.02.2023 "to maintain status quo as on the date of inspection of petition schedule property as reported by the advocate commissioner until further orders passed in IA 2/2023." IA 2/2023 is pending till date. In this context, the order is very clear and a further

order for the very same purpose is not at all required.

8. However, considering the concern of the petitioner, it is making clear that if any party attempting to violate the above order and if any law and order issue arise in consequence, the parties can approach the police in order to proceed accordance with law.

In the result, IA allowed accordingly.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 11th day of April, 2025).

MUNSIFF

Typed By: Krishnakumari V
Compared by : 1. 2.

Fair Order in IA 20/2025 in
OS 29/2023 Dated 11-04-2025
