

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Smt. Alshari. A, Munsiff, Chittur
Thursday the 07th day of October, 2021
15th day of Aswina, 1943 S.E.

ORIGINAL SUIT No. 79 of 2014

- 1 Mayilswamy Kounder (Died), aged 75 years, : Plaintiffs
S/o.Pazhani Kounder, Kovilppara,
Karumanda Koundannur,
Kozhippathy Village Chittur Taluk
Supplemental Plaintiff No.2 to 5
- 2 Seethayammal, aged 70 years,
W/o.Late.Mayilswamy Kounder,
Kovilppara, Karumanda Koundannur,
Kozhippathy Village Chittur Taluk
- 3 Santhi, aged 53 years,
D/o.Late.Mayilswamy Kounder,
Kovilppara, Karumanda Koundannur,
Kozhippathy Village Chittur Taluk
- 4 Jayanthi, aged 50 years,
D/o.Late.Mayilswamy Kounder,
Kovilppara, Karumanda Koundannur,
Kozhippathy Village Chittur Taluk
- 5 Sumathy, aged 48 years,
D/o.Late.Mayilswamy Kounder,
Kovilppara, Karumanda Koundannur,
Kozhippathy Village Chittur Taluk
(Supplemental Plaintiff No.2 to 5 Impleaded as per
order in IA.361/2021 dated :20/02/021
Supplemental Plaintiff No.2 to 5 Amended as per
order in IA.360/2021 dated:20/02/2021)

Vs.

- | | |
|---|---------------------|
| <ol style="list-style-type: none"> 1 Valliyammal, aged about 60 years,
W/o.Krishnaswamy Kounder, Kovilppara,
Karumanda Koundannur, Kozhippathy Village
Chittur Taluk 2 Sasikala, aged about 35 years, W/o.Ravi,
Kovilppara, Karumanda Koundannur,
Kozhippathy Village Chittur Taluk 3 Appuswamy Kounder aged about 75 years,
S/o.Pullar Kounder, Kovilppara,
Karumanda Koundannur,
Kozhippathy Village Chittur Taluk | <p>: Defendants</p> |
|---|---------------------|

This suit is coming on this day for hearing before me in the presence of Sri.M.Saseendran, Advocate for the plaintiffs and of defendants called absent set exparte and the court delivered the following:-

J U D G M E N T

Suit for fixation of boundary as well as permanent prohibitory injunction.

2. Complaint averments in brief are as follows :- The complaint schedule property was obtained by the plaintiff by way of partition deed bearing No.1310/1999 of partition deed B-schedule property and he is in possession by paying tax to the same. The defendants' property is situated on the east-western side of the complaint schedule property. The plaintiff and defendants are in enmity for the last few years. There is some boundary dispute arose between the plaintiff and the

defendants. On 20-1-2014, the defendants and their men tried to trespass into the plaintiff schedule property. Due to the timely intervention of the plaintiff and his men, the defendants temporarily retreated from the spot. The plaintiff filed this suit for injunction restraining the defendants from trespassing into the plaintiff schedule property, till the boundary of the same is fixed. Hence the suit.

3. On receipt of summons the defendants entered and filed written statement denying the averments in the plaint. But when the case was listed for evidence, the counsel for the defendants reported no instruction for defendants. Hence, the defendants were called absent and set *exparte*.

4. To prove the case of the plaintiff, PW1 filed affidavit in lieu of her chief-examination and document produced were marked as Ext.A1 to A3 and Exts.C1 and C1(a). No contra evidence tendered. The unchallenged evidence of PW1 and document marked as Ext A1 to A3 and Exts.C1 and C1(a) are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff.

In the result, suit is decreed with costs as follows :-

- (1) It is hereby fixed the eastern and northern boundary of the plaintiff schedule property as per Ext.C1 and C1(a).
- (2) The defendants and their men are hereby restrained by way of permanent prohibitory injunction from trespassing into the plaintiff schedule property and also from causing obstruction to the

plaintiff in erecting the fence or compound wall in the plaint schedule property.

- (3) Ext.C1 and C1(a) shall do form part of the decree.
- (2) The plaintiff is entitled to realize the costs of the suit from the defendant.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 7th day of October, 2021.

Sd/-
Munsiff.

Plaintiffs Witness Examined:

PW 1 : Seethayammal

Plaintiffs Exhibits:

A1	29-09-1999	:	Certified copy of Partition deed No.1310/1999 of SRO Kozhinjampara executed by Chinnaswamy Kounder and others
A2	12-09-2013	:	Possession Certificate issued by Village Officer Kozhippathy in the name of Mayilswamy Kounder
A3	22-07-2013	:	Basic Tax receipt issued by Village Officer Kozhippathy in the name of Mayilswamy Kounder

Defendants Witness and Exhibits: Nil

Court Witness Examined: Nil

Court Exhibits:

C1	17-02-2021	:	Commission Report submitted by Sri.R.Sivaraman Advocate Commissioner
C1(a)	19-02-2021	:	Survey Plan submitted by Sri.R.Sivaraman Advocate Commissioner

Sd/-
Munsiff.

/True Copy/

Munsiff.

Fair / Copy of Judgment in
O.S. No.79/2014
Dated : 07.10.2021
