

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Friday the 12th day of January, 2024
22nd day of Pousha, 1945 S.E.

ORIGINAL SUIT No: 141/2015

Krishnakumari, aged 44 years, : Plaintiff
W/o.Balan, Pappanchalla,
Muthalamada Village, Chittur Taluk

Vs.

Madhavan, aged 60 years, : Defendant
S/o.Ponnan, Pappanchalla,
Muthalamada Village, Chittur Taluk

This suit is coming on this day for hearing before me in the presence of Sri.P.Govindanunni and Smt.Resmy Unni, Advocates for the plaintiff and defendant called absent set exparte and the court delivered the following :-

J U D G M E N T

Suit for declaration and for permanent prohibitory injunction.

2. Plaint averments in brief are as follows :- The plaint schedule property is obtained by the plaintiff from her husband by virtue of settlement deed No.2508/1/2012 of S.R.O.Kollengode, and the plaintiff is in absolute possession and enjoyment of the same. The defendant's property is near to the southern and

eastern side of the plaint schedule property. There is no demarcation fence in between the properties of the plaintiff and defendant. There are lot of civil cases existed in between the husband of the plaintiff and defendant. Hence the defendant became enmity with the plaintiff and her husband. By influencing the revenue authorities the defendant concocted and created a false documents in favour of the defendant. When the plaintiff came to know the fact, the plaintiff contacted the authorities of the Village Officer. The Village Officer concerned given information to the plaintiff to contact the Resurvey Authorities. On 19-3-2015 the defendant and his men trespassed into the plaint schedule property and trying to erect iron barbed wire fence. Due to the timely intervention of the plaintiff and his men, the defendant temporarily retreated from the spot. Hence the plaintiff prays for declaration and for injunction. Hence the suit.

3. As per the order in I.A.No.799/2023 dated 22-3-2023 the prayer portion in the plaint was amended for declaration and also for permanent prohibitory injunction. The amendment was also done in the valuation portion in the plaint.

4. Defendants entered appearance and filed written statement and additional written statement denying the averments in the plaint. But when the case was listed, the defendant was called absent and set exparte.

5. To prove the case of the plaintiff, PW1 filed proof affidavit in lieu of chief examination and the documents produced was marked as Ext.A1 to A5 and C1, C1(a), C2 and C2(a). No contra evidence tendered. The unchallenged evidence of PW1 and the documents marked as Exts.A1 to A5 and C1, C1(a), C2 and C2(a) are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff.

In the result, suit is decreed as follows :-

- (1) It is hereby declared that the partition deed No.583/1969 of S.R.O.,Chittur is included in the partition C-schedule property.
- (2) After the declaration, the defendant and his men are hereby restrained by way of permanent prohibitory injunction from causing any obstruction in cultivating in the plaint schedule property and also taking yield from the same.
- (3) The plaintiff is entitled to realize the costs of the suit from the defendants.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 12th day of January, 2024.

Munsiff

Plaintiff's Witness Examined :

PW1 : Balan

Plaintiff's Exhibits :

- A1 20-07-2012 : Settlement deed No.2508/1/2012 of SRO Kollengode executed by Balan in favour of Krishnakumari
- A2 26-04-2014 : Basic tax receipt issued by Village Officer, Muthalamada No.1 Village in the name of Krishnakumari
- A3 10-03-2015 : Possession Certificate issued by Village Officer, Muthalamada No.1 Village in the name of Krishnakumari
- A4 : FMB (Filed No.215)
- A5 : FMB (Filed No.215)

Defendants Witness and Exhibits : NilCourt Witness Examined: NilCourt Exhibits:

- C1 30-05-2015 : Commission Report submitted by Advocate Commissioner S.Suranya
- C1(a) 30-05-2015 : Rough Sketch submitted by Advocate Commissioner S.Suranya
- C2 17-09-2021 : Commission Report submitted by Advocate Commissioner K.Shanavas
- C2(a) 17-09-2021 : Survey plan submitted by Advocate Commissioner K.Shanavas

Munsiff

Fair / Copy of Judgment in
O.S.No. 141/2015
Dated : 12/01/2024
