

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Smt. Alshari. A., Munsiff, Chittur  
Tuesday the 19<sup>th</sup> day of January, 2021  
29<sup>th</sup> day of Pousha, 1942 S.E.

**ORIGINAL SUIT NO.146 of 2016**

1. Indira Vasudeva Menon, aged 76 years,  
W/o. Late. Vasudeva Menon, Vallam Kalam,  
Mambrampadam, Kizhakkethara Amsom, : Plaintiff  
Kollengode, Chittur Taluk by Power of Attorney  
M. Kesavan Nair, aged 72 years, S/o. Viswanathan-  
Menon, residing at Mecheri House, Padinjarethara,  
Kollengode.

Vs.

1. Gayathri Mehta, aged 53 years, D/o. Ramavarma-  
Thampan, now residing at No. 1 Park Town,  
Behind Chithamani, Trichy Road, Coimbatore,  
Tamilnadu. : Defendants

2. Pulimannam N.S.S Karayogam, No.4107,  
By its President, Pulimannam, Kollengode, Palakkad.

3. Pulimannam N.S.S. Karayogam, No.4107, by its  
Secretary, Pulimannam, Kollengode, Palakkad.

This suit coming on this day for hearing before me in the presence of Sri. V. Jayadeva Narayanan and Smt. K. R. Mahalakshmy, Advocates for the plaintiff and the defendants are called absent and set exparte and the court delivered the following :-

**J U D G M E N T**

Suit for fixation of boundary and for injunction.

2. Plaint averments in brief are as follows :- The plaintiff is the legal heir of deceased Sri.Vasudeva Menon who had filed the suit through her power of attorney. The plaint schedule property along with other properties originally belonged to Vengunadu Kovilakam which was possessed and enjoyed by late Vasudeva Menon on Verumpattom right. Subsequently he had obtained purchase certificate bearing No. 201/1992 issued by the Land Tribunal, Kollengode as per the S.M.Proceedings No. 129/1992. After the demise of the said Vasudeva Menon, the property devolved upon his wife, plaintiff and children. The plaintiff had filed suit for and on behalf of their children. The properties were looked after and maintained by the plaintiff. A portion of the property obtained as per the purchase certificate was disposed to one Radha. The remaining property is the plaint schedule property herein. In the document executed in favour of said Radha a mistake had crept into while showing the southern boundary. Actually on the southern side of the property given to Radha is the plaint schedule property, but it is shown as NSS Karayogam.

3. The Vengunadu Kovilakam which lies on the southern side of the properties belong to NSS Karayogam, trespassed into the certain portion of the property belonging to Karayogam, and had constructed a compound wall. The 1<sup>st</sup> defendant filed a suit against NSS Karayogam for getting back the properties

belonging to them. The defendants in collusion admitted to trespass into the plaintiff schedule property, the plaintiff objected and has rejected the claim of the defendants. The plaintiff herein had filed a suit for injunction before the Hon'ble Court as O.S.No.238/2010 which was dismissed with a finding that the plaintiff was unable to establish her possession over the property, and the property is not properly identified. Aggrieved by the said decree and judgment, the plaintiff approached the Hon'ble Appellate Court challenging the decree which also went in dismissal. Hence the plaintiff is left with no alternative except to approach this court for fixation of the boundary possessed and enjoyed by the plaintiff. Hence the suit.

4. The defendants entered appearance. Defendants 2 and 3 were called absent and set exparte. Thereafter the 1<sup>st</sup> defendant was called absent and set exparte.

5. To prove the case of the plaintiff, PW1 filed affidavit in lieu of his chief examination and documents produced were marked Exts.A1 to Ext.A9 and C1 and C1(a). No contra evidence tendered. The unchallenged testimony of PW1 and the documents marked as Ext.A1 to A9, C1 & C1(a) are accepted. The evidence of PW1 and the documentary evidence proved the case of the plaintiff.

In the result, suit is decreed as follows :-

- (1) The boundaries of the plaint schedule property are fixed on the northern boundary through AB line, through DC line on the southern boundary through BC line on the eastern boundary and through AD line on the western boundary, of the plaint schedule property.
- (2) Exts.C1 and C1(a) shall do form part of the decree.
- (3) The plaintiff is entitled to 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 19<sup>th</sup> day of January, 2021.

Munsiff.

Plaintiff's Witness :

PW1 : Kesavan Nair.

Plaintiff's Exhibits :

A1	31/12/2009	Power of attorney executed by Indira Vasudeva Menon in the name of M. Kesavan Nair
A2	13/07/1992	Purchase certificate No. 201/1992 issued from Land Tribunal, Kollengode.
A3	03/06/2009	True copy of possession certificate issued from Kollengode – 2 Village office in the name of Indira Vasudevan Menon.

A4		True copy of Basic tax assessment register issued from Kollengode No. II Village.
A5	31/10/2015	Certified copy of Judgment in Appeal Suit No. 210/2011 of the District Judge of Palakkad.
A6	31/10/2015	Certified copy of Decree in Appeal Suit No. 210/2011 of the District Judge, Palakkad.
A7	19/11/2009	Basic tax receipt issued from Kollengode No. 2 Village office in the name of Indhira Vasudeva Menon.
A7(a)	28/01/2011	Basic tax receipt issued from Kollengode No. 2 Village office in the name of Indhira Vasudeva Menon.
A7(b)	13/12/2010	Basic tax receipt issued from Kollengode No. 2 Village office in the name of Indhira Vasudeva Menon.
A7(c)	22/06/2009	Basic tax receipt issued from Kollengode No. 2 Village office in the name of Indhira Vasudeva Menon.
A8	17/10/1979	Original Patta Chit issued by Venugopala Varma.
A9	10/Kumbha/ 1137	Original Receipts for payment made to Venugopala Varma
A9(a)	10/Dhanu/ 1139	Original Receipts for payment made to Venugopala Varma
A9(b)	15/Makara/ 1141	Original Receipts for payment made to Venugopala Varma
A9(c)	10/Midhuna/ 1144	Original Receipts for payment made to Venugopala Varma
A9(d)	10/Makaram/ 1147	Original Receipts for payment made to Venugopala Varma

Defendant's Witness and Exhibits : Nil

Court Witness : Nil

Court Exhibits :

C1 19/11/2019 Commission report submitted by Adv. Commissioner  
S. Sujana

C1(a) 19/11/2019 Survey plan submitted by – do -

Munsiff

Typed by : Lalitha. S

Compared by : Santhosh. C

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Fair / Copy of Judgment in  
O.S.No. 146/2016 Dated: 19/01/2021  
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