

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Wednesday the 15th day of February, 2023
26th day of Magha, 1944 S.E.

ORIGINAL SUIT No: 222/2019

- 1 Albert Dhanisulas, : Plaintiffs
aged 53 years, S/o.Late.P.K.Sekhar,
Elippara, Kozhippara,
Vadakarappathy Amsom,
Chittur Taluk, Palakkad District
- 2 Leena, aged 46 years,
W/o.Albert Dhanisulas,
Elippara, Kozhippara,
Vadakarappathy Amsom,
Chittur Taluk, Palakkad District

Vs.

- 1 Vincent, aged 80 years, : Defendants
S/o.Late.Muthuswami,
Erumankalam, Kozhippara,
Vadakarappathy Amsom and Desom,
Chittur Taluk, Palakkad District
(Amendment carried out as per order in
I.A.No.871/2019 dated 31-05-2019)
- 2 Sahayaraj, aged 60 years,
S/o.Late.Guruswamy,
Guru Construction Institute
Typerating Center,
Vellakkovil, Vellakkovil Taluk,
Karooor District, Tamilnadu State

3 Pouli, aged 50 years, : Defendants
 D/o.Late.Guruswamy,
 Guru Construction Institute
 Typewriting Center,
 Vellakkovil, Vellakkovil Taluk,
 Karoor District, Tamilnadu State

This suit coming on this day for hearing before me in the presence of Sri.S.Saviour, Advocates for the plaintiff and defendants called absent set exparte and the court delivered the following:-

J U D G M E N T

Suit for injunction.

2. Complaint averments in brief are as follows :- The complaint schedule property is obtained by the 1st plaintiff, and his brother Joseph Selvaraj from Joseph, Benni Sahayaraj by virtue of document bearing No.1515/1985 of S.R.O.Chittur. Thereafter the brother of the 1st plaintiff assigned his share of property to the 2nd plaintiff by virtue of document bearing No.1139/2004, and the plaintiffs are in absolute possession and enjoyment of the same by paying tax to the property. In item No.3 of the complaint schedule property there exists a Well (Kokkarni). The plaintiffs have every right to take water from the Well (Kokkarni). The defendants are causing disturbance to the plaintiffs claiming the right over the northern side of the complaint schedule property of the plaintiffs. The defendants are also causing obstruction in taking water from the Well (Kokkarni). On 12-05-2019 at about 10 a.m the defendants and their men tried to obstruct the

plaintiffs in pumping water from the Well which is situated on the middle portion of the plaintiff schedule property. Due to the timely intervention of the plaintiffs and their men, the defendants temporarily retreated from the spot. At the time of retreating the defendants and their men had left a challenge that very soon they will come again with more men and will somehow block the pumping of water from the Well. Hence the suit.

3. The 2nd defendant filed written statement denying the averments in the plaint. The defendants 1 and 3 were called absent and set exparte. But when the case was listed for evidence, the 3rd defendant was called absent and set exparte.

4. To prove the case of the plaintiff, plaintiff was examined as PW1. PW1 filed proof affidavit in lieu of chief examination and the documents produced was marked as Ext.A1 to A8. No contra evidence tendered. The unchallenged evidence of PW1 and the documents marked as Ext.A1 to A8 are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff.

In the result, suit is decreed as follows :-

- (1) The defendant and his men are hereby restrained by way of permanent prohibitory injunction from trespassing into the plaintiff schedule properties and from pumping the water from the Well (Kokkarni) situated on the northern boundary of the plaintiff schedule property.

- (2) 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 15th day of February, 2023.

Munsiff

Plaintiffs Witness Examined:

PW1 : Leena

Plaintiffs Exhibits:

- | | | | |
|----|------------|---|---|
| A1 | 18-05-1985 | : | Certified copy of Jenm Assignment deed No.1515/1985 of SRO Chittur |
| A2 | 27-09-2004 | : | Certified copy of Assignment deed No.1139/2004 of SRO Kozhinjampara executed by Joseph Selvaraj in favour of Albert Dhanuslas and Leena |
| A3 | 28-11-2005 | : | Certified copy of Joint Release deed No.1774/2005 of SRO Kozhinjampara |
| A4 | 03-01-2013 | : | Certified copy of Release deed No.22/2013 of SRO Kozhinjampara executed by Leena in favour of Albert Dhanisulas |
| A5 | 09-05-2019 | : | Copy of Basic tax receipt (Thandapper No.3346) issued by Village Officer Vadakarappathy in the name of Albert Stanislas and Leena |

- A6 09-04-2019 : Copy Basic tax receipt (Thandapper No.1441/T) issued by
Village Officer, Vadakarappathy in the name of Leena
- A7 10-05-2019 : Possession Certificate issued by Village Officer
Vadakarappathy in the name of Albert Stanislas and
Leena.A
- A8 10-05-2019 : Possession Certificate issued by Village Officer
Vadakarappathy in the name of Leena

Defendants Witness and Exhibits : Nil

Munsiff

Typed by : Sreela.K.S,
Compared by : Santhosh.

Fair / Copy of Judgment in
O.S.No.222/2019
Dated : 15/02/2023
