

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Smt. Alshari. A, Munsiff, Chittur
Wednesday the 20th day of October, 2021
28th day of Aswina, 1943 S.E.

ORIGINAL SUIT No. 226 of 2014

1 Krishnan, (Died) aged 65 years, S/o.Pazhanan,
Athimani, Vandithavalam Village, Chittur Taluk

Supplemental Plaintiffs 2 to 5

2 Meenakshi, W/o.A.P.Krishnan, Athimani,
Vandithavalam Village, Chittur Taluk

3 Dhanesh, aged 35 years, S/o.A.P.Krishnan, : Plaintiffs
Athimani, Vandithavalam Village, Chittur Taluk

4 Mahesh, aged 32 years, S/o.A.P.Krishnan, Athimani,
Vandithavalam Village, Chittur Taluk

5 Nisha.A.K, aged 28 years, D/o.A.P.Krishnan,
Athimani, Vandithavalam Village, Chittur Taluk
(Supplemental Plaintiffs No.2 to 5 impleaded as per
order in IA No.2109/2019 dated 12/12/2019.
Supplemental Plaintiffs No.2 to 5 Amended as per
order in IA No.2106/2019 dated: 12/12/2019)

Vs.

1 Syamala, aged 36 years, W/o.Chandran, Athimani,
Vandithavalam Village, Chittur Taluk

2 Chandran, aged about 39 years,
Husband of Syamala, Athimani,
Vandithavalam Village, Chittur Taluk

3 Divya, aged 20 years, D/o.Chandran and Syamala, : Defendants
Athimani, Vandithavalam Village, Chittur Taluk

4 Dhanya, aged 18 years, D/o.Chandran and Syamala,
Athimani, Vandithavalam Village, Chittur Taluk

This suit is coming on 18.10.2021 for final hearing before me in the presence of Sri.P.Govindhanunni, Advocate for the plaintiffs, 1st plaintiff reported to be no more and defendants called absent and set exparte and having stood over to this day for consideration and the court delivered the following:-

J U D G M E N T

Suit for recovery of possession on the strength of his title.

2. Plaintiff averments in brief are as follows:- The plaintiff A- schedule property was obtained by the plaintiff as per the sale deed bearing No.2143/2012 of S.R.O, Chittur and after the purchase of plaintiff schedule property, plaintiff is in actual possession and enjoyment of the same. The plaintiff is paying tax for the plaintiff schedule property. Except the plaintiff, no one else has any right or interest over the plaintiff schedule property. The said property is shown as plaintiff A- schedule farm. From Plaintiff A- schedule property the plaintiff B-schedule property was settled by the plaintiff to his son as per settlement deed No.3693/2012 of S.R.O., Chittur. Some properties in the plaintiff C-schedule properties were given by the plaintiff to the his sister's daughter, who is the 1st defendant to reside temporarily in the year of 2007. That property is mentioned as D- schedule in the plaintiff. Thereafter, the defendants constructed a thatched shed in it and started residing there with family. The 1st defendant and family are residing in the plaintiff D- schedule property as a licensee of plaintiff. Since plaintiff was in need of the plaintiff D- schedule

property, Plaintiff directly and through mediators asked to surrender the vacant possession of the same. But the defendants did not heed to the demand. The 1st and 2nd defendants have properties of their own at different place. Defendants are willfully neglecting to surrender the vacant possession. Defendants have no right to do so. The act of the defendants are illegal and unlawful. Plaintiff is claiming Rs. 100/- per month towards mesne profits from the dated of filing of the suit. Praying for a direction to the defendants to surrender the plaint D-schedule property with mesne profit the above suit is filed.

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 defendant did not turn up, and defendant was not present. 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 A4. No contra evidence tendered. The unchallenged evidence of PW1 and document marked as Ext A1 to A4 are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff. Therefore, I find that the plaintiff is entitled for the reliefs, as prayed for.

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

(1) That, the defendants are hereby directed to surrender the vacant

possession of the plaint schedule property to the plaintiff after demolishing the thatched shed therein within a period of two months from the date of the decree, and in case of failure plaintiff is entitled to get it recovered of the plaint schedule property through the process of this court.

- (2) The defendants are directed to pay a sum of Rs.100/- per month towards mesne profits compensation for the use and occupation of the plaint schedule property from the date of suit till realization or up to three years from the date of decree which ever is earlier.
- (3) Defendants are liable to pay the costs of the suit.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 20th day of October, 2021.

Munsiff.

Plaintiffs Witness Examined:

PW 1 : Dhanesh.A.K

Plaintiffs Exhibits:

- A1 26-05-2012 : Joint Released deed No.2143/2012 of SRO Chittur executed by Chamy and others in favour of Krishnan
- A2 30-01-1976 : Certified copy of Assignment deed No.401/1977 of SRO Chittur, executed by Sivasankaran Nair in favour of Thatha

Fair / Copy of Judgment in
O.S. No. 226/2014
Dated : 20.10.2021
