

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Friday the 19th day of August, 2022
28th day of Sravana, 1944 S.E.

ORIGINAL SUIT No:226/2014

- 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, : Plaintiffs
S/o.A.P.Krishnan, 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 I.A.No.2109/2019 dated 12/12/2019 and
Amended as per order in I.A.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,
Husbund of Syamala, Athimani,
Vandithavalam Village, Chittur Taluk
- 3 Divya, aged 20 years, : Defendants
D/o.Chandran and Syamala,
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 this day for hearing before me in the presence of Sri.P.Govindhanunni, Advocate for the plaintiffs, 1st plaintiff reported to be no more and of Sri.V.Murugadas, Advocate for the defendants, defendants called absent and set exparte 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. Plaint averments in brief are as follows :- The plaint A-schedule property is obtained by the plaintiff by virtue of the document bearing No.2143/2012 of S.R.O.Chittur and he is in possession and enjoyment of the same. The plaintiff settled some of the property to his son by virtue of document bearing No.3693/2012 of S.R.O.Chittur, and this property is shown as B-schedule property in the plaint. The C-

schedule property shown in the plaint is the property not included in the plaint A and B schedules. During the year 2007 the plaintiff permitted his sister's daughter and her family to reside in the plaint C-schedule property temporarily, who is the 1st defendant in the suit. This property is shown as D-schedule in the plaint. The plaintiff leased out the property to his sister's daughter only on consideration of humanity basis as a licensee. No rent was demanded by the plaintiff to his sister's daughter. The plaintiff was in need of the D-schedule property, for which the plaintiff demanded vacant possession of the same, directly and through mediators. The defendants did not heed to the demand made by the plaintiff. 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 did not turn up, and defendants were 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 was 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.

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

- (1) The defendants and their men are hereby directed to surrender the vacant possession of the plaint 'D' schedule property to the plaintiff after demolishing the thatched shed therein within a period of 3 months from the date of the decree and in case of failure on the part of the defendants, the plaintiff is entitled to get it recovered through the process of this court.
- (2) 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 19th day of August, 2022.

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 27-09-2012 : Certified copy of Settlement deed No.3693/2012 of SRO Chittur, executed by Krishnan in favour of Dhanesh

Fair / Copy of Judgment in
O.S.No.226/2014
Dated :19/08/2022
