

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Friday the 30th day of June, 2023
9th day of Ashada, 1945 S.E.

ORIGINAL SUIT No: 302/2021

Basheer, aged 55 years, : Plaintiff
S/o.Kunjimon, Eracham Veedu,
Edakkazhiyur Post, Kathiriya Road,
Chavakkad Village, Chavakkad Taluk,
Thrissur District, Pin-680515

Vs.

Prasanna Gopinath, aged 68 years, : Defendant
W/o.Gopinath.T.K, House No.63,
Chandranagar, Palakkad Amsom,
Palakkad Taluk, Palakkad District, Pin-678001

This suit coming on this day for hearing before me in the presence of Sri.K.Siyavudheen and Smt.S.Sajitha, Advocate 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 recovery of possession on the strength of his title.

2. Plaint averments in brief are as follows :- The plaintiff schedule property is Verumpattom property obtained one Velappan by virtue of purchase certificate

No.3261/1976 from Land Tribunal, Kollengode, thereafter the plaintiff purchased the same by virtue of document bearing No.1141/1999 of S.R.O.Kollengode, and the plaintiff is in possession and enjoyment of the same. The plaint schedule property is fenced on all four sides. On the southern side of the plaint schedule property is the property of defendant. The defendant have no right in the plaint schedule property. The plaintiff is residing at Chavakkad, Thrissur District. The plaintiff occasionally visits the plaint schedule property. By taking advantage of the absence of the plaintiff in the plaint schedule property, the defendant dismantle the fence erected on all four sides by the plaintiff, and annexed the property of the plaintiff. The defendant have no right to do the same. The plaintiff has right to recovery of possession on the strength of title from the defendant. Hence the suit.

3. On receipt of summons the defendant entered appearance and failed to file written statement within the statutory period. Hence the defendants was 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 A5. No contra evidence tendered. The unchallenged evidence of PW1 and document marked as Ext A1 to A5 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 defendant and his men are hereby directed to surrender the vacant possession of the plaint schedule property to the plaintiff within a period of 3 months from the date of the decree and in case of failure on the part of the defendant, 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 30th day of June, 2023.

Munsiff

Plaintiff's Witness Examined:

PW1 : Basheer

Plaintiff's Exhibits:

A1	15-05-1999	:	Jenm Assignment deed No.1141/1999 of SRO Kollengode executed by Velappan in favour of Basheer
A2	29-5-1976	:	Purchase certificate No.3261/1976 issued by Land Tribunal Kollengode in the name of Velappan

- A3 23-05-2013 : Copy of Jenm Assignment deed No.1486/2013 of SRO
Kollengode executed by Basheer in favour of
Saidabdhalin
- A4 01-09-2021 : Basic tax receipt issued by Village Officer, Muthalamada
-1, in the name of Basheer
- A5 05-01-2018 : Possession Certificate issued by Village Officer,
Muthalamada -1 in the name of Basheer

Defendant's Witness and Exhibits : Nil

Munsiff

Typed by : Sreela.K.S,
Compared by : Krishnakumari.M.M

Fair / Copy of Judgment in
O.S.No.302/2021
Dated : 30/06/2023
