

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Monday the 14th day of August, 2023
23rd day of Sravana, 1945 S.E.

ORIGINAL SUIT No: 310/2021

Subramanian, aged 55 years, : Plaintiff
S/o.Chamiar, Punganthura,
Vadakarapathy Village,
Chittur Taluk, Palakkad District

Vs.

Gowtham Biju, aged about 53 years, : Defendant
S/o.Sukumaran, Pungomthara House,
Attayampathy Post, Menonpara,
Chittur Taluk, Palakkad District

This suit coming on this day for hearing before me in the presence of Sri.K.Sureshkumar, 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 injunction.

2. Plaint averments in brief are as follows :- The plaintiff along with his sisters Viju, Lakshmi, Narayani, Madura and Valsala are in absolute possession and enjoyment

of the plaint schedule property by virtue of certificate of purchase No.1200/2017 in S.M.No.1273/2013 issued by the Special Tahsildar, L.R., Palakkad in their favour. The plaint schedule property is a Purayidam where the plaintiff and his family are residing for the last 80 years and the plaintiff is paying tax. The defendant and his men are trying to take possession of the plaint schedule property for the reason that the plaint schedule property originally belongs to his ancestors and it was not partitioned at the time of partition effected by their ancestors. The defendant has no right in the same. On 09-10-2021, at about 10 a.m, the defendant with his men came to the plaint schedule property with an intention to take possession of the plaint schedule property. In the above circumstances it is highly just and necessary that this court may be pleased to pass an order of permanent injunction. Hence the suit.

3. Though summons was served on the defendant, the defendant appeared but failed to file written statement within statutory or an extended period. Hence defendant was set exparte.

4. To prove the case of the plaintiff, PW1 filed proof affidavit in lieu of chief examination and the documents produced was marked as Ext.A1 to A4. No contra evidence tendered. The unchallenged evidence of PW1 and the documents 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 as follows :-

- (1) The defendant and his men are hereby restrained by way of permanent prohibitory injunction from entering into the plaint schedule property and take possession of the property and disturbing the peaceful possession and enjoyment of the plaint schedule property by the plaintiff.
- (2) The plaintiff is entitled to realize the costs of the suit from the defendant.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 14th day of August, 2023.

Munsiff

Plaintiff's Witness Examined:

PW1 : Subramanian

Plaintiff's Exhibits:

- | | | | |
|----|------------|---|---|
| A1 | 02-03-2018 | : | Copy of Purchase Certificate No.LT 291647 of Land Tribunal Palakkad in the name of Subramanian |
| A2 | 17-06-2021 | : | Copy of Basic tax receipt (Thandaper No.1143/t) issued by Village Officer, Vadakarapathy in the name of Subramaniyan |

A3 05-03-2021 : Copy of Possession Certificate issued by Village Officer,
Vadakarapathy in the name of Subramaniyan.C

A4 06-12-2018 : Copy of Ration Card No.1947024911 in the name of Prema

Defendants Witness and Exhibits : Nil

Munsiff

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

Fair / Copy of Judgment in
O.S.No.310/2021
Dated : 14/08/2023
