

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Sri.Binu.P., Munsiff, Alathur

Saturday 27th day of September, 2025
 (05th day of Aswina, 1947 S.E)

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ORIGINAL SUIT No. 392/2020

C.Meenakshi, aged 69 years, W/o Late Vasu,
 Residing at Elamkuttikalam, Puthiyankam Post,
 Alathur Taluk, Palakkad District

} Plaintiff

Vs

1. Sumesh, S/o Santha, aged about 23 years,
 Residing at Ezhuthankadu, Chennankodu,
 Puthiyankam Post, Alathur Taluk,
 Palakkad District

2. Sadham, S/o Muhammed, aged about 30 years,
 Residing at Vadukankulam, Chennankodu,
 Puthiyankam Post, Alathur Taluk,
 Palakkad District

} Defendants

This suit is coming on this day for final hearing before me in the presence of before me in the presence of Sri.K.K.Sudheer, Advocate for the plaintiff and of defendants were called absent set exparte (Sri.Titus Joseph, Sri.C.Anandadasan and Sri.T.Sathish, Advocates for the defendants) and this Court passed the following.

J U D G M E N T

Suit for permanent prohibitory injunction.

2. Plaint averments, in short, are as follows:-

The plaint schedule property belonged to Vasu, husband of the plaintiff and his father Chathayi and subsequently, Chathayi relinquished his half right upon the plaint schedule property in favour of Vasu by virtue of a relinquishment deed No.1432/1971 of SRO, Alathur. Later, Vasu obtained a purchase certificate No.89/1977 from the Land Tribunal, Ottapalam pertaining to properties. During the life time, Vasu had executed a registered Will No.74/2012 of SRO, Alathur pertaining to properties. After the demise of Vasu, the properties inherited to the plaintiff. The plaint schedule item No.1 property is the item No.14 of relinquishment deed No.1432/1971 of SRO, Alathur and plaint schedule item Nos. 2 to 4 are the item Nos.16 to 18 of the said deed. The western side of plaint schedule item No.1 property is the property owned by one Beeran Saheb and now the second defendant has taken that property on lease for agricultural purpose. The plaintiff has put up fence on all sides of plaint schedule item No.1 property for protecting the same from wild animals. Plaint schedule item Nos.2 to 4 of properties are rubber estate and these items are well protected by well defined fence on all sides. The second defendant made an attempt to trespass into the plaint schedule item No.1 property by demolishing portion of the fence. Due to the timely interference of the plaintiff and children, the second defendant retreated from the scene. The first defendant also made an attempt to remove the fence of plaint schedule items No.2 to 4 properties and tried to damage to the rubber crops. The same was also foisted by the plaintiff and her children. Out of the family property, the first defendant had sold some properties which was situated on the southern side of the plaint schedule properties. The first

defendant is trying to acquire an entry to his property through the plaint schedule properties. Whereby he is destroying the aged fence. Now the defendants are not permitting the plaintiff to put up fence in the property. Hence the suit.

3. The defendants were called absent and set ex parte. The plaintiff in this case was examined as PW1 and exhibits A1 to A3, C1 and C1(a) were marked. Exhibit A1 is the certified copy of relinquishment deed 1432/1971 of SRO, Alathur. Exhibit A2 is the tax receipt. Exhibit A3 is the possession certificate. PW1 filed proof affidavit in support of her averments in the plaint. The unquestioned testimony of PW1 coupled with exhibits A1 to A3 prove the case of the plaintiff.

In the result, the suit is decreed as follows :

i. The defendants 1 and 2 and their men are hereby restrained by way of permanent prohibitory injunction from encroaching upon the plaint schedule properties or destroying the boundary fence of the plaint schedule properties and crops therein and also from causing any obstruction or disturbance to the peaceful possession and enjoyment of the same by the plaintiff.

ii. The defendant shall pay costs of the suit.

Dictated to Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 27th day of September, 2025.

Munsiff

APPENDIX :-

Plaintiff's Witness Examined:-

PW1 : Meenakshi

Plaintiff's Exhibits Marked:-

- A1 31.01.1977 : Purchase Certificate issued by Land Tribunal
Ottappalam in the name of Vasu.
- A2 09.05.2025 : Tax receipt issued by Village Officer
Alathur Village Office in the name of
Meenakshy.
- A3 11.03.1925 : Possession Certificate issued by Village Officer
Alathur Village Office in the name
of Meenakshy.

Defendant's Witness & Exhibits:- NILCourt Witness Examined :- NILCourt Exhibits Marked:-

- C1 08.01.2021 : Commission report submitted by
Sri.Sujeesh.K, Advocate Commissioner
- C1(a) 08.01.2021 : Rough sketch submitted by submitted by
Sri.Sujeesh.K, Advocate Commissioner

Munsiff

Fair/Copy of Judgment
in O.S.392/2020
Dated :27.09.2025