

IN THE COURT OF THE SUBORDINATE JUDGE, IRINJALAKUDA

Present:- Santhosh K Venu, Principal Sub Judge

Saturday the 19th day of August, 2023/ 28th Sravanam, 1945 S.E.

O.S.95/2019

Plaintiff:

Lathika, aged 52 years, W/o Poyyathara Mohanan, residing at North side of Rose Bazar, Kattungachira desom, Irinjalakuda Village, Mukundapuram Taluk.

By Adv: V.G.Subhash Chandra Babu

Defendants :

1. Vasanthi, aged 42 years, W/o Thachilath Sasidharan, Kattungachira Desom, Irinjalakuda Village, Mukundapuram Taluk.
2. Ratnakumari, aged 61 years, Vettikkattuvalappil Balakrishnan, Kattungachira Desom, Irinjalakuda Village, Mukundapuram Taluk.

Exparte

This suit is coming on this day for hearing before me the court on the same day passed the following:

JUDGMENT

Suit for declaration and recovery of money.

2. Plaint averments in brief are as follows :- 10 cents of landed property comprised in Survey No. 402/1 of Irinjalakuda Village which is shown as plaint A schedule property belongs to the plaintiff. The 1st defendant was a subscriber of two chitties conducted by Kerala State Financial Corporation, Chembukkavu branch. The 1st defendant

approached the plaintiff and demanded title deed of plaint A schedule property in order to hand it over to K.S.F.E. as a security for the procurement of the chitty amount. Accordingly, the plaintiff handed over the title deed. The 1st defendant defaulted the repayment of the chitty amount and R.R. proceedings are initiated against plaint A schedule property. A total amount of ₹ 7,00,000/- has been paid by the plaintiff in K.S.F.E., in order to avoid Revenue Recovery Proceedings. A sum of ₹ 17,37,700/- is due from the 1st defendant on the date of the suit. 10 cents of landed property comprised in Survey No.402/1 of Irinjalakuda Village which is shown as plaint B schedule property belongs to the 1st defendant. The 1st defendant is indebted to so many persons and he clandestinely executed a document styling it as a sale deed and registered in S.R.O., Irinjalakuda as document No.2001/2012, in favour of the 2nd defendant. No consideration is passed as far as regards the said transaction and the said document is a sham one . Hence, in the interest of justice the above document has to be declared as null and void. The defendants have to be directed to pay a sum of ₹ 17,37,700/- to the plaintiff.

3. Both the defendants are called absent and set exparte.

4. The plaintiff was examined as PW1. Exts.A1 to A7 were marked on the side of the plaintiff.

5. Heard.

6. Ext.A1 is the certified copy of the sale deed bearing No.2947/2004 of S.R.O., Irinjalakuda. Ext.A2 is the demand notice. Ext.A3 is the certified copy of the sale deed bearing No.2001/2012 of S.R.O.Irinjalakuda. Ext.A4 is the encumbrance certificate. Ext.A5 is the

copy of the demand draft. Ext.A6 series are the receipts (5 in numbers). Ext.A7 is the Kerala Kaumudi daily dated 7.3.2023.

7. PW1 filed proof affidavit in lieu of examination in chief in tune with the averments in the plaint. The evidence of PW1 and the documents produced on the side of the plaintiff substantiate the case of the plaintiff. Both the defendants are not contesting the matter and hence the evidence adduced on the side of the plaintiff stands unchallenged.

In the above circumstances, I find that the plaintiff is entitled to get a decree as prayed for.

In the result, the suit is decreed. It is declared that the document bearing No.2001/2012 of S.R.O.Irinjalakuda is null and void. The 1st defendant is directed to pay a sum of ₹ 17,37,700/-/- (Rupees Seventeen lakh thirty seven thousand and seven hundred only) to the plaintiff with 9% interest from the date of the filing of the suit till the date of decree and with 6% interest from the date of decree till realization. The defendants are also directed to pay the entire costs of the proceedings to the plaintiff. The decree amount will be a charge on plaint B schedule property.

Dictated to the confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 19th day of August, 2023.

Sd/-
Santhosh K Venu
Principal Sub Judge.

APPENDIX**Plaintiff Exhibits :-**

Ext.A1	Certified copy of sale deed bearing No. 2947/2004 of S.R.O., Irinjalakuda	07.02.2023
Ext.A2	Demand notice	
Ext.A3	Certified copy of the sale deed bearing No. 2001/2012 of S.R.O. Irinjalakuda	07.02.2023
Ext.A4	Encumbrance Certificate	
Ext.A5	Copy of the Demand draft	
Ext.A6	Receipts (5 in numbers) Series	
Ext.A7	Kerala Kaumudi daily	07.03.2023

Plaintiff witness :- PW1 : Lathika : 11.08.2023copied : Preethy
compared :Id/-
Principal Sub Judge

True copy

By Order

Sheristadar