

IN THE COURT OF THE MUNSIFF OF CHAVAKKAD

PRESENT:- Dr. Aswathy Asok., Munsiff

Friday, the 4th day of April, 2025/14th Chaithram 1947 SE

I.A. 6/2025 in O.S 688/2024

Petitioner/Power of Attorney Holder of Defendant:-

Sunil Deep, S/o Velayil Veetil Asokan, Thrissur Taluk, Thrissur District,
Now residing at Chakolas Puthanpura Precious Homes, Flat No 6B,
Thrissur Corporation represented by brother and power of attorney holder
Pradeep V.A, Aged 63 years, S/o Velayil veetil Asokan, Backside of
Athany Super Market, Valappad Beach Road, Valappad Village,
Chavakkad Taluk.

(By Adv. P.Sunil)

Respondent/ Plaintiff:-

Ajith Kumar, S/o Velayil Asokan, Velayil House, Pallipram Desom,
Valappad Beach P.O, Chavakkad Taluk

(By Adv.Jerry. K.Jose & Adv. Sindhu K.K)

This petition is coming on this day for hearing, the court passed the following:-

O R D E R

Petition filed to modify the order passed by this court in IA 2/2024

2. The petitioner is the power of attorney holder of the defendant/petitioner. In IA 2/2024, this court has ordered statusquo. There are number of trees etc. in the petitioner's property. It is highly necessary to irrigate these trees, especially during the summer. Therefore, it is necessary that permission is to be granted to the

petitioner to irrigate these trees. Otherwise irreparable injury would be caused to the defendant. Hence, the petition.

3. Respondent filed counter contenting that the plaintiff A schedule properties and the defendant's properties are lying as a single plot without any boundaries. There is underground pipe connection through the plaintiff A schedule and defendant's property. Irrigation has been done through this pipe using motor connected in the southern side pond of the plaintiff A schedule property. Therefore, there is no necessity to cut open a channel for irrigating the trees and plants in the defendant's property. Hence, according to the respondent, the petition is liable to be dismissed.

4. The petition filed to modify the status quo order passed by this Court in IA 2/24 and to allow the defendant to irrigate the trees and plants in his property. According to the respondent there is underground pipe connection from the southern side pond through the plaintiff schedule and defendant's property using motor through which irrigation is being done.

5. The suit is one for fixation of boundary between plaintiff A schedule property and defendant's property on the eastern side. Admittedly, there is no boundary between these two properties. Further, I have perused the commission report and sketch. It would go to show the existence of a well on the north east side of the plaintiff A schedule property. It is not clear whether the well is within plaintiff A schedule property. Further, The only contention of the respondent is that the irrigation is being done through the underground pipe in the properties of respondents and the defendant's

from the southern side pond using motor. However, the commission has not reported the existence of any such motor or irrigation . Further, the commissioner has specifically reported that irrigation to the trees and plants in the plaint A schedule property and the defendant's property. Hence, I am of the opinion that in the interest of justice, the petition is to be allowed.

In the result, the petition is allowed and the defendant is permitted to irrigate the plants and trees in the defendants property

(Pronounced by me in open court, on this the 4th day of April 2025).

Dr. Aswathy Asok
Munsiff, Chavakkad.

APPENDIX:- NIL

Munsiff, Chavakkad.

Order in I.A 6/2025 in O.S 688/2024
dated 04/04/2025

