

IN THE COURT OF MUNSIF, WADAKANCHERY

Present:- Sri. Yahya. T. K., Munsiff
Monday, the 28th day of July, 2025/ 6th Sravanam 1947 SE

O.S. 229/2019

Plaintiffs:

Shaji, aged 59 years, S/o Karimbanakkal Krishnan,
Chemmanthatta Village, Pazhunnana Desam,
Pin Code: 680 501, Kunnamkulam Taluk.

By Adv. Maheswaran. V. P.

Defendants:

1. Muhammed, aged 59 years, S/o Mukkunnath Khader,
Cheramanengad Village, Pin Code: 680 604, Kunnamkulam Taluk.
2. Ayisha, aged 55 years, W/o 1st respondent and D/o Kudappanayil
Moosa, Pin Code: 680 604.
3. Rafeek, aged 34 years, S/o Mukkunnath Muhammed,
Cheramanengad Village, Pin Code: 680 604, Kunnamkulam Taluk.
4. Thoufeeq, aged 32 years, S/o Mukkunnath Muhammed,
Cheramanengad Village, Pin Code: 680 604, Kunnamkulam Taluk.
5. Shefeek, aged 30 years, S/o Mukkunnath Muhammed,
Cheramanengad Village, Pin Code: 680 604, Kunnamkulam Taluk.

Exparte.

This suit is coming on this day for hearing, the Court passed the following:

JUDGMENT

Suit for Injunction.

2. **Summary of the plaint** :- The plaint schedule property was purchased from defendants by plaintiff as per document No.1078/2015 of S.R.O Akkikavu. The plaintiff came in exclusive possession of the property. Even thereafter, the defendants are trying to trespass upon the plaint schedule properties with lucrative motives. Hence the suit.

3. **Defendant filed written statement as follows** ; The suit is not maintainable. All allegations in the plaint are denied. Possession of the plaintiff over the properties denied. Document No.1078/2015 is a sham document. No such document ever executed. No consideration passed. Plaintiff is not entitled to get the relief as prayed for. Thus it is prayed that the suit may be dismissed.

4. The following issues framed for trial ;

- (1) *Whether the plaintiff is entitled to get a decree of permanent prohibitory injunction as prayed for ?*
- (2) *Relief and costs ?*

5. On the side of plaintiff, the plaintiff himself was examined as PW1. Ext.A1 to A3 marked. Counsel for defendant reported no instruction at the trial. Hence defendant was set ex-parte.

6. Heard learned counsel for the plaintiff.

7. **Issues 1 to 3** : PW1 deposed that he is the owner in possession of the plaint schedule properties. Ext.A1 to A3 support his testimony which is unchallenged. I do not find any reason to discard testimony of PW1. Contention of defendants that Ext.A1 is a sham document stands not proved. These issues are found in favour of the plaintiff.

In the result, suit is decreed in part as follows ;

- 1. *The defendants are permanently restrained from trespassing upon plaint schedule property and interfering with possession enjoyment of plaintiff thereof.***
- 2. *Plaintiff is entitled to costs.***

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 28th day of July, 2025)

Sd/-
YAHYA. T. K.,
MUNSIFF

APPENDIX

Plaintiff's Witness:

PW1 : 26.07.2025 Shaji. K. K.

Plaintiff's Exhibits:

- A1 : 26.05.2015 Certified copy of Theer Deed bearing no.1078/2015 of SRO, Erumappetty.
- A2 : 28.04.2025 Land Tax Receipt bearing no. KL08070609/2025 in Thandaper No. 314/T of Chiramanengad Village, Kunnankulam Taluk.
- A3 : 13.05.2025 Receipt issued by Kadangode Grama Panchayath bearing no. R-GO80207-2500080.

Id/-
MUNSIFF