

**IN THE COURT OF MUNSIFF, WADAKANCHERY**

Present:- Sri. Yahya. T. K., Munsiff

Thursday, the 26<sup>th</sup> day of March, 2026/ 5<sup>th</sup> Chaithram 1948 SE

O.S. 229/2019

Plaintiff:

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

By Adv. Maheswaran. V. P.

Defendants:

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

By Adv. M. Anilkumar., for D1, D2, D3 & D5.

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. Joint trial was ordered with O.S. 248/2019. But plaintiff in the suit not turned up for trial despite specific direction. Hence O.S. 248/2019 dismissed for default. Therefore, trial of this suit separated from O.S. 248/2019. On the side of plaintiff herein, the plaintiff himself was examined as PW1. Ext.A1 to A3 marked. Counsel for defendant was not ready for cross-examination. 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. The suit filed as O.S. 248/2019 to annul Ext.A1 stands already dismissed although for default. Hence testimony of PW1 is only to be accepted. 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 26<sup>th</sup> day of March, 2026)*

Sd/-  
YAHYA. T. K.,  
MUNSIFF

#### APPENDIX

##### Plaintiff's Exhibits:

- A1 : 26.05.2015 Certified copy of Their Deed bearing No. 1078/1/15 of SRO, Akkikkavu.
- A2 : 28.04.2025 Tax Receipt bearing No. KL08070601609/2025 in Thandaper No. 314/T of Chiramanengad Village.
- A3 : 13.05.2025 Receipt bearing No. R-G080207-25000780 from Kadangode Grama Panchayath.

Plaintiff's Witness:

PW1 : 25.03.2026 Shaji. K. K.

Defendant's Exhibits:

Defendant's Witness: Nil.

Court Exhibits: Nil.

Id/-  
MUNSIFF