

**IN THE COURT OF MUNSIFF, WADAKANCHERY**

Present:- Sri. Anirudhan T.K, Munsiff

Friday, the 15<sup>th</sup> day of December, 2023/ 24<sup>th</sup> Agrahayanam 1945 SE

**O.S.421/2016**

**Plaintiff:**

Shobha, aged 47 years, W/o Pradeepan, Eratharayil House,  
Chottupara Desam & Post, Killannur Village, Thrissur Taluk.  
By Adv. K. Sajith Kumar.

**Defendant:**

Joseph. P.D., aged 56 years, S/o Perumbanachil Devassya,  
Bhoovi Homes, 3B, Poonkunnam, Thrissur.  
Exparte.

This petition is coming on this day for hearing, the Court delivered the following:

**JUDGMENT**

The suit is for Permanent Prohibitory Injunction.

2. The plaintiff's case in short are as follows:

Plaint A schedule property is lying contiguously belongs to the plaintiff as per assignment deed No.2010/2013 of S.R.O Wadakkanchery. The properties were purchased for valid consideration from the defendant and mutation also was effected. The plaintiff is paying tax for the property. The plaintiff A schedule property are having well defined boundaries. There exists ridges on east, north and southern sides separating it from other properties and on the western side there are concrete posts to separate it from a 3 feet wide pathway and remaining property of the defendant. The 3 feet wide pathway has been set apart from defendant's property and it is lying without any boundaries on its western side. The defendant has no right to close the

pathway. This pathway is described herein as 'B' schedule. The plaintiff is having right to use the pathway by virtue of grant and the defendant is not entitled to close down the same. The defendant also has no right or possession over the plaintiff A schedule property. Later, defendant is making some false disputes and claims over plaintiff A schedule property and is trying to close down the B schedule pathway. It is understood that he has intentions to destroy the existing boundaries and trespassed into plaintiff A schedule properties, if it happened the plaintiff would be put to irreparable injury and loss. Therefore, the plaintiff has no efficacious remedy than to approach this Court. Hence, the suit.

3. Defendant filed written statement. But, when the case was listed for trial, the learned counsel for the defendant submitted 'No instruction'. Therefore, the defendant was set ex-parte.

4. Plaintiff was examined as PW1 and Ext.A1 to A5 were marked. Ext.C1 to C3(b) also were marked. Ext.A1 was the certified copy of the sale deed No.2010/2013 of S.R.O Wadakkanchery, Ext.A2 was the encumbrance certificate, Ext.A3 was the possession certificate, Ext.A4 was the original of the sale deed No.4697/2008 and Ext.A5 series were tax receipts. Ext.C1 was the commission report dated 04.07.2016, Ext.C2 was the commission report dated 03.08.2016 and Ext.C3, C3(a), C3(b) were the commission report, survey report, survey plan respectively. The evidence adduced by the plaintiff stands unchallenged and there is no reason to discard the evidence adduced by the

plaintiff. Hence, the plaintiff is entitled to get the relief as prayed for.

**In the result,**

- 1) A permanent prohibitory injunction is granted restraining the defendant from trespassing into the plaintiff A schedule properties or interfering with the peaceful enjoyment of the same of the plaintiff or destroy its existing boundaries or alter its lie and features or obstructing the usage of plaintiff B schedule property as a mode of ingress and egress to plaintiff A schedule properties or committing any acts of wastes therein.
- 2) The plaintiff is also entitled for the costs of the suit from the defendant.

*(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 15<sup>th</sup> day of December, 2023)*

Sd/-

**ANIRUDHAN.T.K  
MUNSIFF**

**APPENDIX**

**Plaintiff's Witness:**

PW1 : 11.12.2023 : Shobhana.

**Plaintiff's Exhibits:**

A1 : : Certified copy of sale deed no. 2010/2013 of SRO,

Wadakanchery.

- A2 : : Encumbrance certificate.  
A3 : : Possession certificate.  
A4 : : Original sale deed no. 4697/2008.  
A5 : : Tax receipts – 4 nos.  
series

Court Exhibits:

- C1 : 04.07.2016 : Commission report.  
C2 : 03.08.2016 : Commission report.  
C3 : 24.07.2023 : Commission report.  
C3(a) : 24.07.2023 : Survey report.  
C3(b) : 24.07.2023 : Survey Plan.

Id/-  
MUNSIFF