

In the Court of the Principal Munsiff, Nedumangad.
Present:- Smt. S.R.Parvathi, LL.M, Principal Munsiff.
Wednesday 15th day of March, 2017/24th Phalgunam 1938.

OS.NO. 227/2014

Plaintiff:-

Saju.S, Aged 33,
S/o Sadanandan Vaidyan,
Saji Mandiram, Madathara.P.O,
Chithara, Kollam District.
(By Adv.: Sri. S.Joshi)

Defendants:-

1. Vijayan Pillai, Aged 45,
S/o Balan Pillai, Block No. 111,
Ozhukupara, Madathara.P.O,
Nedumangad, Thiruvananthapuram.
2. Sabeena, Aged 35,
W/o Vijayan Pillai,
of do-do.
3. Abdul Vaheed, Aged 55,
Block No. 116,
of do-do.

4. Nazeema, Aged 38,
residing at Block No. 116,
Ozhuvupara, Madathara.P.O,
Nedumangad, Thiruvananthapuram.
5. Subara, Aged 38 years,
residing at do-do.
6. Jasmine, Aged 26 years,
residing at do-do.
7. Siva Prasad, Aged 57 years,
S/o Damodharan,
SNV.House, Kalayapuram,
Kollayil, Nedumangad,
Thiruvananthapuram.
8. Sundaran, Aged 60 years,
S/o Sadanandan,
Shaju Bhavan, Ozhuvupara,
Madathara, Nedumangad.
9. Sulaiman, Aged 55 years,
of do-do
10. Nusaiba, Aged 38 years,
residing at Block No 120,
of do-do.

(By Adv. Smt. S.L.Nija)

This suit coming on for hearing on 03.03.2017 and the court on 15.03.2017 delivered the following:-

JUDGMENT

The suit is for permanent prohibitory injunction and other reliefs.

2. The plaint averments in brief are as follows:

The plaint A schedule property belongs to the plaintiff as per sale deed No. 1309/2007. He effected mutation of the said property in his favour. He is in absolute possession and enjoyment of the said property and is paying tax with respect to the said property. The B schedule pathway is having 3 feet width situated on the northern side of the plaint A schedule property. The plaint A schedule property lies on lower level than the said pathway. The defendants who are residing in the locality on 27/02/2014 encroached upon the plaint A schedule property and unloaded granites with an intention to raise the level of the plaint A schedule property and to annex the same with the plaint B schedule way so as to convert it into a motorable way. On 02/03/2014 they again trespassed into the plaint A schedule property and tried to raise the level of the A schedule property using the granite unloaded in the plaint A schedule property. The said attempt of the defendants was made abortive by the plaintiff. Hence the

defendants are to be restrained from annexing any portion of the plaintiff A schedule property with the plaintiff B schedule pathway. Hence this suit.

3. The defendants are set aside.

4. The plaintiff filed affidavit in lieu of chief. Exts. A1 to A4 series are marked from the side of the plaintiff. Exts. C1, C1(a) are marked as court exhibits.

5. Heard the plaintiff.

6. The plaintiff's case stands proved and unchallenged by the affidavit and exhibits.

In the result suit is decreed with costs.

The defendants and their men are permanently restrained from trespassing into the plaintiff A schedule property, raising the level of any portion of the plaintiff A schedule property, grabbing or reducing any portion of the plaintiff A schedule or annexing portion of plaintiff A schedule property with the plaintiff B schedule pathway and from committing any sort of waste therein.

Dictated to the C.A, transcribed by her corrected by me and pronounced in open court on 15th day of March 2017.

**S. R. PARVATHI,
PRINCIPAL MUNSIF.**

A P P E N D I X

Exhibits marked for the plaintiff

- | | | |
|----|------------|--|
| A1 | | Attested copy of Sale Deed No. 1309/2007 |
| A2 | 23.09.2013 | Copy of Tax receipt |
| A3 | 28.02.2014 | Certificate from K.S.F.E. |
| A4 | | Photographs |

Exhibits marked for the defendant: Nil

Court Exhibits:-

- | | | |
|-------|------------|--|
| C1 | 17.03.2014 | Commission Report prepared by Advocate
Commissioner Smt.Nisha.W.S |
| C1(a) | -do- | Rough Plan prepared by Advocate
Commissioner |

Witness for both sides:- Nil

// True Copy//

Typed by:- JKA

Compared by:-

PRINCIPAL MUNSIFF.

Judgment in

OS No.227/14

Dt: 15/03/17