

IN THE COURT OF THE ADDITIONAL MUNSIF, NEDUMANGAD

Present : Smt.Savithri.V,Additional Munsiff

On Friday 13th March 2026

22nd Phalguna 1947

OS No. 432/2023

Plaintiff(s)

1. Manoharan, aged 64 Years,
S/o Kuttappan Pillai, Kuthirapuram Layam,
Punmudi Merchiston Estate, Thennoor Village,
Nedumangad Taluk, Pin 695 551.
2. Chandrababu @ Prabhullachandran,
aged 58 Years, S/o Kuttappan Pillai,
now residing at Sajitha Bhavan, Mullankallu,
Parandode P.O, Aryanad Village from
Kuthirapuram Layam, Ponmudi Merchiston
Estate, Thennoor Village, Nedumangad Taluk,
Pin 695 551.

(By Adv.: Sri.V.A Baburaj)

Defendant(s)

Mohanan Pillai, aged 70 Years,
S/o Kuttappan Pillai, Ani Bhavan, Malayadi
Paattuvila, Vinobhanikethan P.O.,
Tholicode Village, Nedumangad Taluk,
Pin 695 542.

(Ex-parte)

This suit having been finally heard on 28/02//2026 and the court on 13/03/2026 delivered the following judgment;

JUDGMENT

This suit is one for permanent prohibitory injunction and related reliefs.

2. **The gist of the plaint averments is as follows:-** The defendant and plaintiffs are brothers. The plaint schedule property belonged to their Late mother Selvarajiamma by virtue of sale deed No.277/1980 of Vithura S.R.O. She has been in enjoyment and possession of the same. Subsequently, Selvarajiamma executed will deed No.13/1991 of Vithura S.R.O in favour of the plaintiffs. The plaint schedule property lies together as a compact plot with well-defined boundaries on all four sides. Selvarajiamma passed away intestate on 07/01/2011 and under the terms of her will, the plaintiffs became the absolute owners and possessors of the property. Thereafter, the plaintiffs have remitted tax and have been in enjoyment and possession of the same. The plaintiffs were cultivating banana on the plaint schedule property and the house situated there has deteriorated and been destroyed over time. Selvarajiamma was employed at Ponmudi Murchiston Estate, where the 1st plaintiff also worked. Prior to her death, she resided with the 1st plaintiff and his family, passing away in the same quarters. The 2nd plaintiff resides approximately 10 kms from the plaint schedule property, resulting in both plaintiffs living at a distance from the plaint schedule property. The defendant, who is also their brother, lives 10 kms away and is attempting to take possession of the property. He denies the plaintiffs's rights over it. The property absolutely belongs to the

plaintiffs and the defendant has no right over the plaint schedule property. Taking advantage of the absence of the plaintiffs, the defendant has attempted to trespass onto the plaint schedule property and take usufructs therein. On 04/06/2023, a trespass attempt by the defendant was prevented through the timely intervention of the plaintiffs and the localites. On 04/06/2023, the defendant tried to trespass into the plaint schedule property and it was thwarted due to the timely intervention by the plaintiff and the localites. The plaintiffs genuinely apprehend that the defendant will at any time repeat such illegal activities and if so, it will cause irreparable injury to the plaintiffs. Hence, this suit.

3. In response to the summons served from this court, the defendant entered appearance. But due to failure to file written statement, the proceedings against the defendant was set ex-parte.

4. From the side of the plaintiff, PW1 and PW2 were examined. Exts.A1 to A4 were marked. Ext.A1 is the certified copy of will deed No.13/1991 dated 30/03/1991 of Vithura S.R.O, Ext.A2 is the certified copy of sale deed No.277/1980 dated 18/02/1980 of Vithura S.R.O, Ext.A3 is the copy of death certificate of Selvaraji Amma issued from Peringammala Grama Panchayat and Ext.A4 is the copy of tax receipt dated 12/04/2023.

5. Heard the learned counsel for the plaintiff and perused the records.

6. The chief affidavit filed in lieu of examination in chief filed by PW1 together with Exts.A1 to A4 would prove that the plaintiffs have absolute title and possession of the plaint schedule properties. The defendant has no right over the said property. The plaint claim stands proved through unchallenged evidence of PW1 through Exts.A1 to A4. In the absence of any contra evidence, this court finds that the plaintiffs are entitled to get a decree as prayed for.

7. **In the result**, the suit is decreed as follows:-

1. *The plaintiffs are hereby granted a decree of permanent prohibitory injunction restraining the defendant or any person acting under him from trespassing into the plaint schedule property, from taking any usufructs from it, from committing any waste in the plaint schedule property and from doing any activities in the plaint schedule properties that may detrimentally affect the peaceful enjoyment and possession of the plaint schedule property by the plaintiffs.*
2. *Plaintiffs are entitled to realize costs of the suit from defendant and his assets.*

(Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this, the 13th day of March, 2026).

Sd/-
SAVITHRI.V
ADDITIONAL MUNSIF

APPENDIX:

Exhibits marked from the side of Plaintiff(s):-

A1	dated: 30/03/1991	Certified copy of Will Deed No.13/1991
A2	dated: 18/02/1980	Certified copy of Sale Deed No.270/1980
A3	dated: 07/02/2011	Copy of Death Certificate
A4	dated: 12/04/2023	Copy of Tax Receipt

Exhibits marked from the side of Defendant(s):- NIL

Court Exhibits:- NIL

Witness Examined from the side of Plaintiff(s):-

PW1 dated: 18/11/2025 Manoharan K

PW2 dated: 18/02/2026 Reghunath K

Witness Examined from the side of Defendant(s):- NIL

Id-
ADDITIONAL MUNSIFF

//True Copy//

ADDITIONAL MUNSIFF

Typed by: PB
Compd by:

**True Copy of Judgment
in OS 432/2023
dated: 13/03/2026**