

**IN THE COURT OF THE MUNSIF, ATTINGAL
PRESENT: SRI. SANTHOSH KUMAR. N, MUNSIF
FRIDAY 22nd DECEMBER, 2023 / 1st POUSHA, 1945**

IA No. 03/2023 in OS No. 253/2023

Petitioners/ Plaintiffs:

1. Kunjumon, S/o Bhanu, residing at Sethu Bhavan, Koyikkamoola, Nagaroor Village.
2. Sunitha, W/o Kunjumon, residing at Sethu Bhavan, Koyikkamoola, Nagaroor Village.

By Advocate: Sri. K. S. Vinod and Smt. Nima Vinod

Counter Petitioners/ Defendants:

1. Sobhana, W/o Babu, Pulivilakathu Veedu, Koyikkamoola, Nagaroor Village.
2. Pushpa, D/o Shantha, Pushpavilasom, Koyikkamoola, Nagaroor Village.
3. Jaya, D/o Shantha, residing at Pushpavilasom, Koyikkamoola, Nagaroor Village.
4. Indira, D/o Balakrishna Pillai, Mulluvila, Koyikkamoola, Nagaroor Village.

By Advocate: Sri. Vishnuraj. R

This petition having been finally heard on 22.12.2023 and the court on the same day passed the following:

ORDER

The Counsel for the petitioner submitted that the ad-interim injunction passed by this court is being violated and a prosecution petition is also filed as IA.04/2023. Learned counsel relied on the judgment in **Mohammed Vs Mohammed Haji reported in 1980 2 ILR (Ker) 105** and of the Hon'ble High Court in **Kochupennu Ambujakshi Vs Veluthakunju Vasu Channa reported in 1993 O AIR (Ker) 62** where in the Apex Court and the Hon'ble High Court has held that the court has ample power to pass necessary orders under Section 151 of CPC for enforcing the order passed under Order 39 Rule 1 and 2 CPC.

The counsel for the petitioner submitted that the respondent have declared that they would trespass and remove the fencing which was reinstated on obtaining order of the court in IA under the cover of darkness during vacation. The petitioner has not produced any material to record a satisfaction that the respondent have violated the Order . How ever, IA.04/2023 is filed alleging violation. Hence, the submission of the counsel need not be doubted. Considering the incoming vacation also, I am of the view that the petition can be allowed. The SHO, Nagaroor is directed to ensure that the ad-interim order passed in IA.01/2023 is not violated if the petitioner seek for any assistance for its enforcement, render necessary force. Serve copy of this order to SHO.

Pronounced by me in Open Court on this the 22nd day of December, 2023.

Sd/-
SANTHOSH KUMAR. N
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

// True copy//

Typed by: Lasitha
Compared by: Sheena.K

MUNSIFF