

IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
THURSDAY 7th NOVEMBER, 2024 / 16th KARTHIKA, 1946

IA No.01/2024 in OS No.513/2024

Petitioners/ Plaintiffs:

1. Girija Viswanathan, aged 60 years, D/o Viswanathan, Nandanam, Temple Road, Pulimath. PO, Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram Dist, Pin – 695 612.
2. Hemanth. S. Nair, S/o Late Sasanka Kumar, aged 28 years, Nandanam, Temple Road, Pulimath. PO, Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram Dist, Pin – 695 612.
3. Varsha. S. Kumar, D/o S/o Late Sasanka Kumar, aged 24 years, Nandanam, Temple Road, Pulimath. PO, Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram Dist, Pin – 695 612.

By Advocate: Sri. Sudheer. S

Counter Petitioners/ Defendants:

1. Sasidharan Pillai, aged 70 years, S/o Late Madhavan Pillai, Sreyas, Temple Road, Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram Dist, Pin – 695 612.
2. Raveendran Pillai, aged 65 years, S/o Late Madhavan Pillai, Vrindavanam, Pulimath. PO.
3. Sanjay. B.L, S/o Balakrishnan Nair, aged 39 years, Krishna Vilasom, Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram -695 612.

CP1 and CP2 - No Vakkalath

CP3 By Advocate: Sri.K. Rajendran

This petition filed by Adv. S. Sudheer to pass an Order of Injunction or restraining the defendants from trespass into the plaint schedule property and from obstructing the construction of the building situated in the plaint schedule property having been finally heard on 07.11.2024 and the court on the same day passed the following:

ORDER

3rd Defendant represented and submitted that he was not served with the copy of plaint. The 3rd defendant contended that the plaintiff has not served copy of plaint to the 3rd defendant. The plaintiff has not taken fresh steps against respondents 1 and 2 in proper address. The counsel for plaintiff submitted that steps will be taken today. This court is of the view that the failure of the plaintiff to serve copy of plaint to the 3rd defendant. The 3rd

defendant vehemently argued that the petitioner is abusing the process of counsel and has not complied with the provisions. The commission batta is also not paid despite this court has appointed an emergent commission. Hence this court is of the view that the petitioner who is duty-bound to inform the opposite side is wilfully evading from the same. The plaintiff shall mandatorily comply with the provisions and the non-compliance will cause irreparable loss and injury to the other side. If it is against the principle of natural justice. Hence the order dated 03.10.2024 granting ad-interim relief of injunction is hereby vacated. For objection and hearing to 30.11.2024.

Pronounced by me in Open Court on this the 7th day of November, 2024.

Sd/-
SWATHI.R.KRISHNAN
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

//True Copy//

Typed by: Lasitha
Compared by: Sheena.K

MUNSIFF