

TNKK150000702025



IN THE COURT OF THE SUBORDINATE JUDGE, ERANIEL

Present: Tmt. D. Asha Kousalya Shanthini, B.Sc., B.L.,
Subordinate Judge, Eraniel

Wednesday, the 15th day of April 2026

Original Suit No.12/2025
CNR No.TNKK150000702025

J. Mary

... Plaintiff

-vs-

1. M. Mary Puspham
2. M. Maria Vijaya
3. M. Amutha
4. M. Jaya
5. P. Edwin
6. P. Maria Christhu Raja

... Defendants

This suit coming up for final hearing before me on 23.03.2026 in the presence of Thiru. John Jaya Kumar, Advocate for the plaintiff and Thiru. C.S. Lenin Advocate for the defendants and upon hearing the arguments of both sides and upon perusing the materials of this case and having stood over for my consideration till this day, this Court delivers the following:

JUDGMENT

This is a suit for the relief of declaration that the plaintiff has acquired valid title and lawful possession over the plaint schedule property

and a consequential permanent injunction prohibiting the defendants, their men, agents, servants, successors and descendants from trespassing into the plaintiff's property and causing any disturbances to the plaintiff's possession and enjoyment over the plaintiff's property and for such other reliefs.

2. **The brief averments of the plaint are as follows:**

The plaintiff is the absolute owner of the plaintiff's property. The plaintiff has acquired valid title and lawful possession over the plaintiff's property. The plaintiff's property together with more area originally belonged to J. Telpi Cruz Mary. The plaintiff has purchased the plaintiff's property from J. Telpi Cruz Mary for valid sale consideration by execution of a sale deed, dated 10.01.2003, in favour of the plaintiff and registration of the same before the Sub-Registrar Eraniel as document No.101 of 2003. On the date of execution of the sale deed the possession of the plaintiff's property was delivered to the plaintiff and the same has been under her possession and enjoyment. The plaintiff has effected mutation, obtained patta and paying kist to the revenue authorities. In the plaintiff's property Coconut, Mango, Mahakani and other trees are standing and the plaintiff has been collecting usufructs from the trees standing in the plaintiff's property. The defendants have not acquired any interest over the plaintiff's property. On 16.03.2025 the defendants along with their men, attempted to trespass into the plaintiff's property and caused disturbances to the plaintiff's peaceful possession and enjoyment over it, but the timely intervention of the plaintiff, the attempt was thwarted. If the defendants trespass into the plaintiff's property and cause disturbances to the plaintiff's possession and enjoyment over, it will cause great prejudice to the plaintiff

and the plaintiff will be put into irreparable loss and injury. The plaintiff has got every right to protect the plaint schedule property from the unlawful interference of the defendants. Hence, the present suit.

3. The brief averments made in the written statement filed by the 1st defendant adopted defendants 2 to 6 are as follows:

The plaintiff described the plaint schedule property as 4 cents of land on the northern portion out of 8 cents of the property comprised in Old Survey No: 2696 formerly Eraniel village now in re-survey no:579/5C of Nullivilai “A” village. At the foremost, the 1st defendant would say that the present suit is a classic example how the process of the Hon’ble Court has been misused by the plaintiff to usurp the property of the defendants 1 to 6 which has been declared by the Hon’ble Supreme Court. It is the 3rd round of litigation instituted by the plaintiff who is none other than the daughter of the defeated plaintiff in O.S.No.70 of 1976 as well as the 1st defendant in O.S.no. 676 of 1990. The final verdicts of the two suits went against the plaintiff’s mother holding that the defendants 1 to 6 are entitled for 8 cents of property in Resurvey No:579/5C of Nullivilai ‘A’ Village. The plaint averments in specific, the whole pleadings are completely misleading and misguided by the plaintiff before this Court. The suit has been filed by the plaintiff on suppressing the true facts, case details and orders of the Hon’ble Courts. Hence the plaint is liable to be dismissed on the principle of “**supprssio veri and Suggestio Falsi**”. The admitted and established facts are follows: Originally, the property comprised in Old Survey No:2696, measuring to an extent of 8 cents of Nullivilai “A” village formerly Eraniel Village along with house building bearing door No:5/25 of Kandavilai Panchayat was with the petitioner's mother viz Maria Chellammal decades ago. It appears that on 13.03.1974 one Telbi

Cruz Mary have purchased the above said 8 cents of property from Rethnamoni registered as Sale Deed No:668/1974 before the S.R.O Eraniel. After purchase of the above said property, the purchaser-Telbi Cruz Mary filed a suit in O.S.No:70 of 1976 before Additional District Munsif, Padmanabhapuram against Maria Chellammal seeking declaration of title and recovery of possession with arrears of rent. The said suit was filed on the strength that Maria Chellammal was a tenant under the plaintiff and therefore she sought to evict her from the property. Such contention was vehemently denied by Maria Chellamal and she contested the suit on each and every aspects. All the grounds raised in the plaint against the defendant-Maria Chellammal was denied specifically and took a definite stand that she was in possession and enjoyment of the property even before the purchase by the plaintiff. Also, the defendant pleaded that she had constructed a house bearing door No:5/25 assessed to Kandavilai Panchayat and has been along with her family members without any obstruction and hindrance form any quarters. Thus, she claims title and possession over the said property adversely. After elaborate trial, the Learned Additional District Munsif dismissed the suit filed by plaintiff-Telbi Cruz Mary by Judgment and Decree dated 31.08.1976. The appeal preferred by the plaintiff before the Subordinate Judge, Padmanabhapuram in A.S.No. 196 of 1976 also got dismissed which was confirmed by the Hon'ble High Court, Madras in S.A.No. 2082 of 1980 vide Judgment and Decree dated 30.03.1990. The orders of the three courts makes it very crystal clear that the relief of Declaration and Recovery of possession to the property was not granted to the plaintiff -Telbi Cruz Mary. No further appeal was preferred by the plaintiff before the higher forum, and hence the decree and judgment passed in S.A.No:2082 of 1980 attained finality. The possession and enjoyment of the property by Maria Chellammal

continues as before without any resistance from anybody. Subsequently, Maria Chellammal died, taking note of the said fact the earlier plaintiff, her husband and his brother tried to evict the present petitioners from the suit properly forcibly and unlawfully. Left with no other option, the petitioner/defendants 1 to 6 and 2 others were constrained to file a suit in O.S.No:676 of 1990 jointly before the District Munsif, Padmanabhapuram for declaration of title, permanent injunction and putting up boundaries against the original plaintiff and two others in O.S.No. 70/1976. The defendants 1 to 3 in O.S. no. 676 of 1990 hotly contested the suit by setting up a new defense that the petitioners/defendants 1 to 6 were in possession and enjoyment only in respect of the building alone constructed in the suit property. Pending case, due to the establishment of new court at Eraniel, the above case was transferred from Padmanabhapuram and re-numbered as O.S.no.308 of 1995 on the file of the District Munsif cum Judicial Magistrate, Eraniel. After full-fledged trial, on 30.06.1997, the trial court decreed the suit in part, held that plaintiffs are entitled to the house property which is situated out of the total extent of 8 cents of the suit property. The other reliefs claimed are dismissed. Against the decree and Judgment, the plaintiffs filed appeal before the subordinate Judge, Padmanabhapuram in A.S.no.169 of 1997, on proper appreciation of material evidences and documents relied by both sides, finally was pleased to allow the appeal on 13.10.2003. The other reliefs negated by the trial court were granted by the appellate court. The correctness of the Decree and Judgment passed in A.S.No.169/1997 was challenged by the defendants 1 to 3 before Hon'ble High Court, Madras by filing second appeal in S.A.No:451of 2004. Subsequently, the Second Appeal was heard and allowed by the Madurai Bench of the Madras High Court vide order dated 21.07.2009. In the Second Appeal, the judgment of the Trial Court

got restored on its file. Against which, the plaintiffs preferred further appeal before the Hon'ble Supreme Court numbered as Civil Appeal No:1946 of 2016. The Hon'ble Supreme Court on a careful reading and taking note of the first round of litigation, the schedule of property described in the suit in O.S.No.70 of 1996, was pleased to allow the appeal. In nutshell the plaintiffs are entitled for the whole extent of 8 cents of property comprised in Resurvey no: 579/5C of Nullivilai "A" village, Kalkulam Taluk, Kanyakumari District thereby set-aside the Judgment and Decree of the High Court, restored the 1st appellate court Judgment and decree dated 13.10.2003. Therefore, the right, title, possession and enjoyment of the property have been declared in favour of the plaintiffs by the High court against the defendants therein. Now the present suit is filed under the premise that the plaintiff derived title to the northern portion of 4 cents of property through a sale deed document no:101/2003 registered on 10.01.2003 of the file of the S.R.O.Eranial. Ongoing through the plaint averments, the 1st defendant came to know that pending appeal filed by the plaintiffs, the 1st defendant-mother in a clandestine manner conveyed the property to her daughter without any least right over it. The vendor of the plaintiff has no right to transfer/convey the property to any person as the title to the property is under determination. The title of the vendor is a defective title on various grounds and not been declared to the plaintiff's mother at any point of time. The judgment of the Hon'ble courts declaring the title of the property to an extent of 8 cents in old survey no.2006. Resurvey no.579/5C of Eranial Village binds the subsequent purchaser and she cannot maintain a suit in the like manner which is impermissible under law. In order to keep the litigation ever longer and to disturb the peaceful possession and enjoyment of the property very cleverly drafted the relief confining on the northern side. It appears from the records that earlier the

plaintiff's mother contested the suit against the defendants 1 to 6 that they are entitled to the house property alone. Now, the plaintiff is contesting in other way that she needs declaration only on the northern 4 cents out of 8 cents of property in resurvey no. 579/5c. The plaintiff is re-litigating the issue decided earlier by the competent court on 2 occasions. The plaintiff in her cause of action paragraph has stated that 16.03.2025 being a date on which the defendants attempted to disturb the plaintiff's possession and enjoyment. Such cause of action is absolutely false, illusory and speculative date and event. No such thing had happened on the said date as alleged by the respondent/plaintiff. It is noteworthy to state here that neither the plaintiff nor the plaintiff's vendor never ever in possession and enjoyment of the plaint schedule property at no point of time. Hence the cause of action pleaded as if petitioner/defendants 1 to 6 are trying to disturb the possession and enjoyment cannot be appreciated by this Hon'ble Court. The averment that the plaintiff is in possession and enjoyment of the plaint schedule property is an invented one for the cause of action to file the suit. The whole pleadings are creative and fertile idea of the plaintiff to drag and harass the defendants 1 to 6 under litigation. The intention of the plaintiff is to wander the defendants 1 to 6 before the corridors of the court ever longer by filing the false and frivolous case. The plaint itself is abuse process of law and liable to the dismissal with exemplary costs. Hence the suit is barred by the principle of "Constructive Res-judictia". The cause of action pleaded by the plaintiff is a false and cooked one and so the suit deserves to be dismissed. The suit also fails on the ground of suppression of material facts and approach of the plaintiff is unclean. The pleadings lacks bonafide in all respects and liable to be dismissed. The whole case is filed with false particulars, dates and details. The suit lacks bonafide in each and every aspect and hence the suit is liable

to be dismissed with costs.

4. Based on the pleadings of both the sides, the following issues were framed:

1. Whether the plaintiff has the lawful title and possession over the plaint schedule property ?

2. Whether the plaintiff is entitled for a decree of declaration in respect of the plaint schedule property as prayed for ?

3. Whether the plaintiff is entitled for the consequential relief of permanent injunction in respect of the plaint schedule property as prayed for ?

4. Whether the vendor of the plaintiff has no lawful right to transfer the plaint schedule property, who is bound by the judgment passed in the Civil Appeal No. 1946/2015 ?

5. Whether the suit is barred by the principles of 'constructive res-judicata ?

6. Whether the plaintiff has suppressed the material facts and the plaint is abuse of process of law ?

7. To what other reliefs the plaintiff is entitled for ?

Issues No. 4 to 6

5. As issues no. 4 to 6 are to be decided as preliminary issues, the matter is posted for hearing both the sides on the said preliminary issues. During the enquiry, on the preliminary issues, the learned counsel appearing for the defendants 1 to 6 relied on Ex.B1 to B9 to show that the present suit is hit by the principles of resjudicata and the plaintiff who is none other than the daughter of the plaintiff, who lost her rights in O.S. No. 70/1976 and as the 1st defendant in O.S. No. 676/1990. The specific case of

the defendants is that the final judgments of the above two suits were decided against the plaintiff's mother by holding that the defendants 1 to 6 are entitled for the entire 8 cents of property in resurvey no. 579/5C of Nullivilai 'A' village.

6. During the enquiry on the said preliminary issues, the only submission made by the learned counsel appearing for the plaintiff is that the plaintiff has no knowledge about the previous suits. On the other hand, the defendants 1 to 6 relied on Ex.B1, which is the judgement dated 31.08.1976 in O.S. No. 70/1976 in which the plaintiff, namely Telpi Cruz Mary suffered a decree wherein it was specifically found by the trial court namely the Additional District Munsif Court, Padmanabhapuram that the plaintiff's right if any over the suit property is lost by the adverse possession of the defendant.

7. As against the judgment passed in O.S. No.70/1976, the unsuccessful plaintiff preferred appeal in A.S. No. 196/1976, before the Subordinate Judge, Padmanabhapuram which was dismissed on 15.12.1979, wherein the trial court judgment and decree were confirmed, the certified copy of which is marked as Ex.B2. As against the decree, the appellant /plaintiff Telpi Cruz Mary preferred the 2nd appeal before the Hon'ble High Court of Madras in Second appeal no. 2082/1980. The said second appeal was dismissed by the Hon'ble High Court, holding that they agree with the concurrent findings given by the courts below on the question of title and possession. Ex.B3 and B4 are the copy of the judgment and decree passed in S.A. no. 2082/1980 dated 30.03.1990.

8. The relevant portions high lighted by the learned counsel appearing for the defendants are

“the suit property is consisting of 8 cents. The learned counsel

appearing for the appellant contended that the suit property is comprised of 8 cents of land and the appellant purchased the same by a sale deed dated 03.03.1974, which is marked as Ex.A1... It was further pointed out that the respondent is paying the tax to the Panchayat and she is in possession and enjoyment of the suit property including the land. The sale deed merely states about the sale of 8 cents of land. Thus considering the facts arising in this case, I am inclined to agree with the concurrent findings given by the courts below on the question of title and possession”.

9. It is that seen that as no further appeal was preferred by the plaintiff, the decree and judgment passed in S.A. No. 2082/1980 has become final. While so, as Maria Chellammal continued to enjoy title and possession in respect of the said property, after her death as the earlier plaintiff tried to evict the defendants from the suit property, the defendants 1 to 6 and two others have filed a suit in O.S. no. 676/1990 before the District Munsif Padmanabhapuram, seeking for declaration of title, permanent injunction and for fixation of boundaries as against the plaintiff Telvi Gurusmary. The defendants 1 to 3 have contested the suit by pleading that the plaintiff's were in possession enjoyment of the building alone in the suit property. The said suit was transferred from the Padmanabhapuram court and re numbered as O.S. No. 308/1995 on the file of the District Munsif cum Judicial Magistrate, Eraniel. After full trial on 30.06.1997, the trial court decreed the suit in part on 30.06.1997, holding that the plaintiffs are entitled for “only to the portion over which the house property in door no. 5/25 is situated out of the total extent of 8 cents of the suit property. The suit in other respects is dismissed”. The certified copy of the said judgment is marked as Ex. B5.

10. As against the said decree and Judgment dated 30.6.1997, the plaintiffs preferred First appeal before the Subordinate Judge, Padmanabhapuram in A.S. no. 169/1997, in which judgment was passed on 13.10.2003, the certified copy of which is marked as Ex.B6. As per the

said judgment, the other reliefs, which were negated by the trial court were granted in the appellate court as "வழக்கு பட்டிகைச் சொத்து முழுவதற்கும் உரிமை உடையவர்கள் என்று தீர்மானம் செய்து வாதிகள் வழக்குரையில் கோரியுள்ளது போன்று விளம்புகை உறுத்துக்கட்டளை மற்றும் எல்லை அமைக்கும் பரிகாரம் பெறுவதற்கு உரிமை உடையவர்கள்" The certified copy of the decree in A.S.no. 169/1997 is marked as Ex.B7.

11. As against the said judgement in A.S. no. 169/1997, second appeal was preferred by the defendants 1 to 3 in S.A. no. 451/2024, which was allowed on 21.07.2009. Ex.B8 is the copy of the judgment passed in the second appeal in which it was held that

“in the earlier suit in O.S. No. 70/76, the mother of first respondent Maria Chellammal has prescribed title by adverse possession only in respect of house and not entire 8 cents of landed property. Hence, the decree and judgement of the first appellate court is liable to be restored and confirmed”.

12. As against the said judgment, the plaintiff preferred appeal before the Hon’ble Supreme Court in Civil Appeal no.9941/2016, in which the judgment passed on 03.01.2024 is marked as Ex.B9. In the said judgment the Hon’ble Apex Court has discussed about the 1st round of litigation in O.S.No. 70/1996 and allowed the appeal in favour of the plaintiffs. The relevant portions relied upon by the present defendants are

“In the judgment of the High Court in the first found dated 30.03.1990, it is not at one place but at number of places that the High Court has recorded that the suit property comprised of 8 cents of land which was the land purchased by the respondents in 1974. It would be relevant to refer to such facts noted in the said judgment. In the opening paragraph the High Court mentioned as follows:

“The suit property is consisting of 8 cents. The defendant was residing in this property even prior to the purchase of this property by the plaintiff”.

Then again in paragraph no.2, the High Court records as follows:

"The learned counsel appearing for the appellant contended that the suit property is comprised of 8 cents of land and the appellant purchased the same by a sale deed dated 13.03.1974, which is marked as Exhibit A-1".

The above clearly shows that not only the High Court notes that it was 8 cents of land which was no dispute but also the Counsel for the appellants therein (respondents herein) whose submissions are recorded understood it in the same manner. Again, in paragraph no.3, the High Court records as follows:

"In the sale deed dated 13.03.1974 (Exhibit A1) there is no mention about the superstructure in which the respondent herein is residing. The sale deed merely states about the sale of 8 cents of land. As already stated, that the respondent was residing in the suit property even prior to the purchase by the appellant."

Lastly, the High Court records its finding as follows:

"The courts below found that all the documents produced by the respondent herein are in the name of the respondent. Therefore, considering all these documents, the courts below came to the conclusion that the respondent herein is in possession of the suit property for more than the statutory period and so she had perfected her title by adverse possession."

15. In the light of the above facts, arguments and findings recorded by the High Court in its judgment dated 30.03.1990, apparently no defence was left for the respondents to take as it was already held that the appellant had perfected her rights by adverse possession over the suit property which was 8 cents of land. The construction of the appellant was standing over the 8 cents of land may be on part of it but she was found in possession of the entire 8 cents.

16. The respondents never sought any clarification of the findings of the High Court or the observations made therein nor did they assail the same before any higher forum. The judgement dated 30.03.1990 attained finality. Interpreting the said judgement which was clear in itself any differently would clearly amount to judicial indiscipline. The Sub-Judge in its judgement dated 13.10.2003 had rightly observed that the Trial Court had no business to interpret the judgement of the High Court dated 30.03.1990 in any other way than what was recorded therein.

17. The doctrine of merger is a common law doctrine that is rooted in the idea of maintenance of the decorum of hierarchy of courts and tribunals. The doctrine is based on the simple reasoning that there cannot be, at the same time, more than one operative order governing the same subject matter. The same was aptly summed up by this Court when it described the said doctrine in *Kunhayammed & Ors. v. State of Kerala & Anr.*:

"44 (i) Where an appeal or revision is provided against an order passed by a court, tribunal or any other authority before superior

forum and such superior forum modifies, reverses or affirms the decision put in issue before it, the decision by the subordinate forum merges in the decision by the superior forum and it is the latter which subsists, remains operative and is capable of enforcement in the eye of the Law”.

13. The learned counsel appearing for the defendants mainly relied upon the said judgement passed by the Hon’ble Apex Court, as per which their title and possession was declared in their favour by the highest court as against the present plaintiff’s mother.

14. During the enquiry, the learned counsel appearing for the plaintiff did not deny any of the above said previous rounds of litigation who would only submit that she did not know about the said suits. It is very pertinent to note here that the specific case of the plaintiff is that on 10.01.2003, the plaintiff purchased the plaint schedule property having an extent of 4 cents in resurvey no. 579/5C in the Nullivilai ‘A’ village from Telbi Curz Mary by virtue of the sale deed dated 10.01.2003, and from the date of execution of the sale deed she is in possession of the plaint schedule property, in which on 16.03.2025, the defendants disturbed her peaceful possession which was thwarted. Thus, the plaintiff’s specific case is that pending appeal filed by the present defendants, the plaintiffs mother has conveyed the property to her daughter and obviously the plaintiff is a lispendens purchaser who is bound by the court decree, even if she was unaware of the said suits. When the said vendor of the plaintiff herself had no right of title to transfer the property, the present plaintiff is found not entitled to claim any valid title for the main reason that her mother’s title was not declared in her favour in the above said suits and appeal proceedings.

15. As per Ex.B1 to B9, the defendants have sufficiently elicited that, the plaintiff is now re-litigating the issue that was already decided by

the competent courts on 2 occasions, who has come up with a false cause of action whose claim is hit by the principles of res-judicata as per section 11 of the Civil Procedure Code, which goes as follows :

Section 11 Res judicata of the Civil Procedure Code:

“No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation 1 – The expression ‘former suit’ shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II – For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III – The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV – Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V – Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI – Where persons litigate bonafide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

Explanation VII – The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree”.

Hence, this court is of the considered opinion that on hearing both the sides on the above said preliminary issues itself, the suppression of material facts and the previous rounds of litigations, where the matter went upto the

Hon'ble Apex Court in the plaintiffs version is sufficiently elicited. During the enquiry on the preliminary issues, the learned counsel appearing for the plaintiff offered no explanation as to how her lawful title claimed from her mother is maintainable where already the matter was directly and substantially in issue in the previous suits between the same parties under whom she claims title. As rightly argued by the learned counsel appearing for the defendants, the title of the plaintiff's mother /vendor is defective on the above said grounds and at any point of time it was not declared in her favour. As the learned counsel appearing for the plaintiff offered no reply on those aspects, the preliminary issue namely issue no. 4 is answered against the plaintiff. As the present suit is hit by the principles of resjudicita and the plaintiff did not plead about the material facts and the previous suits and its Appeal details, the other preliminary issues no. 5 and 6 are also answered against the plaintiff. Thus the preliminary issues are answered against the plaintiff.

On issues no.1 to 3

16. As the court has addressed the preliminary legal issues first for expeditious decision, where unnecessary trial and evidence gathering can be avoided and as the preliminary issues are decided against the plaintiff, issues no. 1 to 2 are also answered against the plaintiff. As issues no. 1 and 2 are answered against the plaintiff, who has suppressed the previous rounds of litigation too, she is found not entitled for any discretionary relief of permanent injunction and hence issue no. 3 is answered against the plaintiff.

On issue no. 7

17. As issues no.1 to 3 and the preliminary issues no. 4 to 5 are answered against the plaintiff, she is found not entitled for any other reliefs. Accordingly this issue is answered.

Considering the facts and circumstances of the present case, for the above said reasons, as the preliminary issues are answered against the plaintiff, the plaintiff is found not entitled for the relief of declaration and permanent injunction in respect of the plaint schedule property as prayed for.

In the result, the suit is dismissed. No costs.

Dictated to the Steno-typist and typed directly by her in the computer, additions made by me in my official laptop, after making necessary corrections and pronounced by me in the open Court on this, the 15th day of April 2026.

**Sub Judge,
Eraniel.**

Plaintiff side witnesses & documents:

Nil

Defendants side witnesses

Nil

Defendants side documents:-

- | | | |
|-------|------------|--|
| Ex.B1 | 31.08.1976 | Certified copy of judgement in O.S.No. 70/1976 |
| Ex.B2 | 15.12.1979 | Certified copy of the decree in A.S.No. 196/1976 |
| Ex.B3 | 30.03.1990 | Certified copy of the Judgment in Second Appeal no.2082/1980 |
| Ex.B4 | 13.03.1990 | Certified copy of the decree in Second Appeal no.2082/1980 |
| Ex.B5 | 30.06.1997 | Certified copy of the Judgment in O.S.No.308/1995 |
| Ex.B6 | 13.09.2003 | Certified copy of the judgement in A.S.No. 169/1997 |
| Ex.B7 | 13.09.2003 | Certified copy of the decree in A.S.No. 169/1997 |

- Ex.B8 21.07.2009 Certified copy of the Judgment in S.A.No.451/2004 and
CMP.No.1869 and 3454/2004
- Ex.B9 03.01.2024 Certified copy of the Civil Appeal No. 9941/2016

**Sub Judge,
Eraniel.**

Sub court, Eraniel
Fair/Draft Judgement
O.S. No. 12/2025
Date: 15.04.2026