

**In the Court of the District Munsif, Eraniel.**

Present: **Thiru.M.Senthil Kumar, B.A.,B.L.,**  
District Munsif, Eraniel

Wednesday the 21<sup>st</sup> day of June 2023

**Original Suit No. 65/2021**

Mariya Sebastian Son of John Mary  
(Represented by his wife and power holder sahila wife of Mariya Sebastian)

... Plaintiff

- Vs -

1. C. Babu
2. Y. Joy Lucher
3. M. Jose Prakash

...Defendants

This suit is coming today (21.06.2023) before me for hearing in the presence of Thiru. B. Kala Advocate for the plaintiff and D1- Exonarate and D2, D3 - Exparte the suit is dismissed for default and on the same day this court delivered the following:

**JUDGMENT**

**Suit for Declaration of Easement Right, Mandatory Injunction and for costs.**

Suit is dismissed for default. No costs.

Pronounced by me in open Court, this the 21<sup>st</sup> day of June 2023.

Sd/-xxxx  
District Munsif  
Eraniel.

**In the Court of the District Munsif, Eraniel.**

Present: **Thiru.M.Senthil Kumar, B.A.,B.L.,**  
District Munsif, Eraniel

Wednesday the 21<sup>st</sup> day of June 2023

**Original Suit No. 65/2021**

Mariya Sebastian son of John Mary, aged 43, Nadar, Christian, Coolie, residing at Pandaravilai, Kandanvilai Post, Eraniel Village, Kalkulam Taluk, Kanyakumari District (Represented by his wife and power holder Sahila wife of Mariya Sebastian, aged 33, Nadar, Christian, residing at Pandaravilai, Kandanvilai Post, Eraniel Village, Kalkulam Taluk, Kanyakumari District.

... Plaintiff'

/Vs/

1. C.. Babu son of late Christhudhas, aged 40, Nadar, Christian, residing at Murasangole, Neyyoor Post, Eraniel Village, Kalkulam Taluk, Kanyakumari District.
2. Y. Joy Lucher son of late Yesudhasan, aged 42, Nadar, Christian, residing at Pandaravilai, Kandanvilai Post, Eraniel Village, Kalkulam Taluk, Kanyakumari District.
3. M. Jose Prakash son of Maria Prakasam, aged 41, Nadar, Christian, residing at Pandaravilai, Kandanvilai Post, Eraniel Village, Kalkulam Taluk, Kanyakumari District.

... Defendants

**Suit for Declaration of Easement Right, Mandatory  
Injunction and for costs.**

Date of prenentation : 05.10.2021

Date of Representation: 07.10.2021

Date of Filing : 08.10.2021

Cause of action for this suit arose on 03.01.2008 relinquished deed in favour of the plaintiff, on 15.08.2021 the date on which the defendants attempted to close the pathway, on 10.09.2021 the last date of demand and in Eraniel Village wherein the suit property lies and the same falls within the jurisdiction of this Hon'ble Court.

For the purpose of jurisdiction as well as court fees the plaint A and B reliefs are valued at Rs.1000/- ie. Rs.1,000/- for 'A' relief and Rs.1000/- for 'B' relief.

Upon the above value a fee of Rs.30/- for A relief and Rs.30/- for B relief (Total Rs.60) is remitted under section 31 and 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act 1955 as amended by Act VI of 2017.

This suit is coming today (21.06.2023) before me for hearing in the presence of Thiru. B. Kala Advocate for the plaintiff and D1- Exonarate and D2, D3 - Exparte the suit is dismissed for default and on the same day this court doth order and decreed as follows:

**Decree**

1. that the suit be and hereby is dismissed for default.
2. that there be no order as to cost.

Given under my hand and seal of this court, this the 21<sup>st</sup> day of June 2023.

District Munsif,  
Eraniel.

**Particulars of Cost**

Plaintiffs side

Defendant side

(Statement of Cost not filed by both the parties and cost not allowed)

**Schedule of Properties**

**'A' Schedule**

District	-	Kanyakumari
Sub-District	-	Kanyakumari

Regn. District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kandanvilai
Lekkom	-	Kandanvilai
Karai	-	Kandanvilai
Re.Sy. No	-	609/7
Cents	-	4.950 square links

### **Description of Property**

கீழ் குறிப்பிடும் எல்லைக்கு உட்பட்ட தனியாக கிடக்கும் 4.950 square links சென்ட் சொத்தும் அதில் இருக்கும் கட்டிடமும்.

### **Boundary**

East	-	C schedule Property
West	-	Property of Maria Antony
North	-	Property of Joseph
South	-	B schedule property

### **'B' Schedule**

District	-	Kanyakumari
Sub-District	-	Kanyakumari
Regn. District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kandanvilai
Lekkom	-	Kandanvilai
Karai	-	Kandanvilai
Re.Sy. No	-	609/7
Cents	-	Area about 13.500 cents

### **Description of Property**

கீழ் குறிப்பிடும் எல்லைக்கு உட்பட்ட 13.500 சென்று தறையும் மரங்களும்.

**Boundary**

East	-	Channel
West	-	Property of Mariya Antony
North	-	A and C schedule property
South	-	Channel

**'C' Schedule**

District	-	Kanyakumari
Sub-District	-	Kanyakumari
Regn. District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kandanvilai
Lekkom	-	Kandanvilai
Karai	-	Kandanvilai
Re.Sy. No	-	609/7
Cents	-	Area about 6.750 cents

**Description of Property**

கீழ் குறிப்பிடும் எல்லைக்கு உட்பட்ட 6.750 சென்று சொத்தும் அதில் இருக்கும் கட்டிடமும்.

**Boundary**

East	-	C schedule property
West	-	A schedule property
North	-	Road
South	-	Channel

D.C

H.C

DM