

IN THE COURT OF THE DISTRICT MUNSIF AT UDHAGAMANDALAM

O.S.No.74/2020

E.Mahalingam

... Plaintiff

/Vs/

1.Anthony

2.Sarathkumar

... Defendants

VALUATION SLIP

Nature of Suit

: Permanent Injunction

Court Fee paid Section

: 27(c) of the Tamil Nadu Court
Fees and Suits Valuations Act.

Amount of Court Fees

: Rs.30.00

Ootacamund
12.08.2020

Sd/-B.S.Sivakumar
Advocate for the Plaintiff

/True Copy/

/By Order/

**Sd/-J.S.Mageshan
Head Clerk,
District Munsif Court,
Udhagamandalam.**

IN THE COURT OF THE DISTRICT MUNSIF AT UDHAGAMANDALAM

**PRESENT: THIRU. A.MOHANA KRISHNAN, B.A., B.L.,
DISTRICT MUNSIF, UDHAGAMANDALAM.**

WEDNESDAY, THE 17TH DAY OF AUGUST 2022

O.S.No. 74/2020

E.Mahalingam,
S/o.Eran,
A Hindu Male,
aged about 65 years,
residing at
Valluvar Nagar,
Sandynalla,
Ootacamund,
The Nilgiris.

... Plaintiff

/Vs/

1.Anthony
S/o.Swaminathan,
A Christian Male,
aged about 50 years,

2.Sarathkumar
S/o.Anthony,
A Christian Male,
aged about 30 years,

Both are residing at
D.No.134,
Kannerimukku Village,
Kokkal,
The Nilgiris.

... Defendants

Suit for restraining the defendant his men, agents, or any other persons claiming for the defendant from trespassing and interfering with the peaceful possession and enjoyment of the suit schedule property by an order of permanent injunction and for cost of suit.

.2.

The suit schedule property was purchased by the plaintiff from Mr.K.Lakshmanan under registered document No.89 of 1989 dated 08.02.1989 registered in the office of the Sub-Registrar, Ootacamund, ever since from the date of purchase the plaintiff is in absolute possession and enjoyment. The plaintiff is plucking tea leaves from the suit property ever since from the date of purchase without any disturbance or hindrance, but in the 1st week of August 2020 the defendants tried to take forcible possession of the property by claiming they are the owner of the suit property.

The defendants did not listen to the plaintiff and threatened the plaintiff that they will not allow the plaintiff to pluck tea leaves and to maintain the tea garden in the suit property, the defendants have men and money power and he has no regard for law and may go to an extent of taking forcible possession of the schedule mentioned property. The defendants should be restrained from indulging in all sorts of illegal activities from trespassing and interfering peaceful possession and enjoyment of the plaintiff in respect of the schedule mentioned property by an order of permanent injunction.

The threat of the defendants are continuing. Unless the defendants are restrained from disturbing the Plaintiff's possession and peaceful enjoyment of the suit schedule properties by an order of permanent injunction, the plaintiff's rights will get jeopardized and the plaintiff will not be in a position to maintain the tea garden peacefully. The balance of convenience is in favour of the plaintiff and there is a prima facie case.

The Plaintiff further submits that there is a disturbance by the defendants to the suit schedule property. Often the defendants tried to trespass into the schedule mentioned property and tried to take forcible possession of the suit property of the plaintiff, hence the suit for permanent injunction.

.3.

Date of the suit : 12.08.2020 and 14.08.2020

Cause of action arose at Udhagamandalam on and since on 08.02.1989 and 1st week of August 2020

Value of the suit : Rs.1,000/-

A Court Fee of Rs.30.00/- is paid U/sec.27(C) of TNCF and Suit Valuation Act.

This suit came on the 22nd day of July 2022 for final hearing before me in the presence of Thiru.B.S.Sivakumar, Advocate for the plaintiff, and the defendants having been set exparte and this court doth order and decree as follows:

1. that the permanent injunction is granted restraining the defendants his men, agents, or any other persons claiming for the defendants from trespassing and interfering with the peaceful possession of the plaintiff within the suit schedule property.
2. that there be no cost.

MEMO OF COST

For Plaintiff :

Stamp on Plaint : Rs. 30.00
Stamp on Vakalath : Rs. 10.00

Total : Rs. 40.00

(Cost list not put in)

For Defendants:

Stamp on Vakalath : Rs.10.00

Total : Rs.10.00

(Cost list not put in)

.4.

SCHEDULE OF PROPETY

Registration District	:	The Nilgiris
Registration Sub-District	:	Udhagamandalam
Village or Town	:	Sholur
Nature of Property	:	Tea Garden
R.S.No	:	243 (Old), 478/9 (New)
Total Extent	:	5.40 Acres
Extent Owned	:	0.50 Cents
Extent Conveyed	:	0.34 ½

BOUNDARIES

North	:	Common Mud Road
South	:	Mr.Indraraj's Land
East	:	Mr.Maari Maistry's Land
West	:	Mr.Karimalla Maistry's Tea Estate

Given under my hand and seal of this court, this the 17th day of August 2022.

Sd/-A.Mohana Krishnan
DISITRICT MUNSIF,
UDHAGAMANDALAM.