

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Wednesday the 27th day of March, 2024
7th day of Chaithra, 1946 S.E.

ORIGINAL SUIT No: 417/2022

Aandi, aged 80 years, S/o.Karuppan, : Plaintiff
Kunnathothi House, Elanthakulambu,
Vithanassery Post, Vallanghy Village,
Chittur Taluk, Pin-678508

Vs.

Vellappan, aged 70 years, S/o.Karuppan, : Defendant
Kunnathothi House, Elanthakulambu,
Vithanassery Post, Vallanghy Village,
Chittur Taluk, Pin-678508

This suit is coming on this day for hearing before me in the presence of Sri.Shibu Shamsudheen, Advocate for the plaintiff and defendant called absent and set exparte and the court delivered the following :-

J U D G M E N T

Suit for injunction.

2. Plaint averments in brief are as follows :- The plaintiff obtained the plaint schedule property by virtue of document No.599/1980 of S.R.O.Nemmara, and the plaintiff is constructed house in the plaint schedule property and residing

with his family. The plaintiff erected barbed fence to demarcate the plaintiff schedule property and the property of the defendant. The plaintiff, defendant and their brothers are having property on the northern side of the plaintiff schedule property. The defendant became enmity with the plaintiff for partition of the plaintiff schedule property. On 28-10-2022 at about 2 p.m the defendant and his men tried to trespass into the plaintiff schedule property, and tried to dismantle the barbed wire fence erected on the northern side of the plaintiff schedule property. Due to the timely intervention of the plaintiff and his men, the defendant and his men retracted. The act of the defendant is illegal. Hence the suit.

3. The defendant entered appearance and failed to file written statement No representation on the side of the defendant. Hence the defendant was called absent and set exparte.

4. To prove the case of the plaintiff, PW1 filed proof affidavit in lieu of chief examination and the documents produced was marked as Ext.A1 to A3 and Ext.C1 and C1(a). No contra evidence tendered. The unchallenged evidence of PW1 and the documents marked as Exts.A1 to A3 and Exts.C1 and C1(a) are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff.

In the result, suit is decreed as follows :-

- (1) The defendant and his men are hereby restrained by way of permanent prohibitory injunction from trespassing into the plaint schedule property, or dismantle the barbed fence situated on the northern side of the plaint schedule property, or causing any obstruction in peaceful possession and enjoyment of the plaint schedule property by the plaintiff.
- (2) The plaintiff is entitled to realize the costs of the suit from the defendant.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 27th day of March, 2024.

Munsiff

Plaintiff's Witness Examined :

PW1 : Aandi

Plaintiff's Exhibits :

- | | | | |
|----|------------|---|--|
| A1 | 05-04-1980 | : | Certified copy of Jenm Assignment deed No.599/1980 of SRO Nemmara executed by Vesa @ Kunjulakshmi in favour of Aandi |
| A2 | 20-10-2009 | : | Possession Certificate issued by Village Officer, Vallanghy in the name of Aandi |

A3 01-11-2017 : Demand Notice issued by Nemmara Grama Panchayath in the name of Aandi

Defendant's Witness and Exhibits : Nil

Court Witness Examined: Nil

Court Exhibits:

C1 03-11-2022 : Commission Report submitted by Advocate Commissioner Kannadasan.P
C1(a) 03-11-2022 : Rough Sketch submitted by Advocate Commissioner Kannadasan.P

Munsiff

Typed by : Sreela.K.S
Compared by : Lalitha

Fair / Copy of Judgment in
O.S.No. 417/2022
Dated : 27/03/2024
