

IN THE COURT OF THE II ADDITIONAL JUNIOR CIVIL JUDGE, CHITTOOR.

Present: Smt. B.V.Sulochana Rani,
II Addl. Junior Civil Judge, Chittoor.

Thursday, the 07th day of April, 2022

O.S.No. 592 of 2021**Between:**

D. Padmavathi, W/o Dhananjaya Reddy, aged 40 years, Hindu, Cultivation, residing at Vepanjeri village and post, G.D. Nellore Mandal, Chittoor District.

... Plaintiff

And:

1. D. Gunnamma, W/o Late D.Munirathnam Reddy, aged 58 years, Hindu.
2. D. Sudhakar Reddy, S/o Late D. Munirathnam Reddy, aged 35 years, Hindu.
3. D. Rajasekhar Reddy, S/o Late D. Munirathnam Reddy, aged 27 years, Hindu.
4. A. Padmanabha Reddy, S/o Late Chukka Reddy, aged 60 years, Hindu.
5. A. Munemma, W/o A. Padmanabha Reddy, aged 37 years, Hindu.

The above defendants are residing at Vepanjeri village and post, G.D. Nellore Mandal, Chittoor district.

...Defendants

This suit is coming on 22-03-2022 before me for final hearing in the presence of **Sri. K. Masthanvalli**, Advocate for Plaintiff and **Sri C.K. Raghu**, Advocate for the defendants and later, the defendants have not filed written statement within stipulated time and remained exparte and having stood over for consideration till this day, this court delivered the following:-

J U D G M E N T

This is a suit filed by the plaintiff against the defendants seeking permanent injunction restraining the defendants, their men etc., from in any way interfering with the plaintiff's peaceful possession and enjoyment in respect of the suit schedule property and for costs.

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

The plaintiff pleaded that originally the suit schedule property belonged to the government and the same was occupied by the ancestors of her in-laws and on the representations made by the plaintiff, the then revenue authorities have granted DKT patta in favour of the plaintiff vide

patta no. 742 under the scheme of 5th phase land distribution. The name of the plaintiff is also mutated in revenue records and issued pattadar pass book and title deed in her name. The defendants who are strangers to the suit property and the land of the 1st defendant situated on the southern side of the suit schedule property, they are nothing to do with the suit property but, with a common intention to grab away the property, all the defendants joined together and started creating troubles to the plaintiff and her family in enjoying the suit land. The plaintiff is helpless lady and by taking advantage of the weakness of the plaintiff, the defendants have hatched a plan to grab away the suit property from the possession of the plaintiff. On 27-6-2021 at about 8.00 A.M. while the plaintiff and her family members are in the suit property, the defendants along with their men, tried to enter into the suit property and at the intervention of the elders, the plaintiff thwarted the acts of the defendants and the defendant while leaving the defendants have thrown challenges that they will renew their attempts and occupy the suit property by dispossessing the plaintiff. Hence, the suit.

3. On receipt of summons, the defendants made their appearance through their counsel but, subsequently they failed to file the written statement within the stipulated period, due to which they were set exparte and the matter is posted for plaintiff's evidence.

4. During the course of trial, the plaintiff himself examined as PW1. Exhibit A1 to A4 are marked and as reported no further evidence, the evidence of the plaintiff is closed.

5. No oral or documentary evidence is adduced on behalf of the defendants. Heard the plaintiff.

6. **Now the point arose for consideration is** *“whether the plaintiff is entitled for grant of permanent injunction restraining the defendants in any way interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property, as prayed for?”*

POINT:-

7. Perused the record. This is a suit filed by the plaintiff against the defendants seeking permanent injunction in respect of the suit schedule property. It is the case of the plaintiff that originally the suit schedule property belonged to the government and the same was occupied by the ancestors of her in-laws and on the representations made by the plaintiff, the then revenue authorities have granted DKT patta in favour of the plaintiff vide patta no. 742 under the scheme of 5th phase land distribution and her name was also mutated in revenue records and issued pattadar pass book and title deed in her name. The defendants who are strangers to the suit property and in order to grab away the property from the plaintiff started giving troubles and tried to interfere with the peaceful possession and enjoyment over the suit schedule property.

8. In support of the case of the plaintiff, the plaintiff is examined as PW1 and she filed her evidence affidavit in lieu of her chief examination and the contents of her chief evidence affidavit is nothing but the reiteration of the entire contents of the plaint and the plaintiff relied upon Exhibits A1 to A4 to say that she is in possession and enjoyment of the plaint schedule property. Exhibit A1 is the DKT patta issued in favour of the plaintiff for an extent of Ac. 2.50 cents, which shows that the land in Sy. No. 650 for an extent of Ac. 2.50 cents of Vepanjeri village was assigned to the plaintiff vide patta no. 742 in 5th phase land distribution. Exhibit A2 is the endorsement made by the Mandal Surveyor, G.D. Nellore addressing to Tahsildar, G.D. Nellore, which shows that on the representation made by the plaintiff, the Mandal Surveyor, G.D. Nellore have visited the suit schedule property in the presence of the village elders and issued possession certificate stating that the land in Sy. No. 650 in an extent of Ac. 4.90 cents for an extent of Ac. 2.50 cents, the plaintiff is in exclusive possession and enjoyment of the said property and also gave an endorsement that the land in Sy. No. 650/1 as 'boundary point out'.

9. The plaintiff pleaded that by recognizing her possession and enjoyment over the plaint schedule property the revenue authorities issued pattadar pass book and title deed in her favour in respect of suit schedule and all other revenue records also mutated in the name of the plaintiff. To say that her name was entered in the revenue records and pattadar pass book, title deeds issued to the plaintiff, the plaintiff relied upon Exhibit A3 and A4. Exhibit A3 is the no.3 adangal for the fasli 1419 in respect of the land in Sy. No. 650/1 for an extent of Ac. 2.50 cents stands in the name of the plaintiff, which shows that the revenue authorities issued no.2 adangal / no.3 pahani in favour of the plaintiff stating that the land in Sy. No. 650/1 for an extent of Ac. 2.50 cents stands in the name of the plaintiff. Exhibit A4 is the 1-B adangal stands in the name of the plaintiff, which shows that the land in Sy. No. 650/1 for an extent of Ac. 2.50 cents stands in the name of plaintiff. Thus, the plaint schedule property is stands in the name of the plaintiff and the same is tallied with the entires in Exhibits A2 and A3, which says that the plaintiff is in possession and enjoyment of the plaint schedule property sy. no. and extents. But, any of the documents relied by the plaintiff i.e., from Exhibit A1 to A4 does not disclosing anything about the boundaries which mentioned in the plaint schedule.

10. In view of the entires made in Exhibit A1 to A4 are tallied with the plaint schedule land but, the plaintiff did not file any document to show that the said property are existing on ground within the boundaries mentioned in the plaint schedule. From Exhibit A1 to A4, it is established the right and title, possession of the plaintiff over the plaint schedule property but, it is under clouds whether the said land was existed within the boundaries on ground as mentioned in the plaint schedule or not.

As this is a suit for permanent injunction, the plaintiff has to establish that she is in possession and enjoyment of the plaint schedule property by the date of filing of the suit and her possession is lawful one and the defendants are interfering with the possession and enjoyment of the same.

11. The plaintiff by examining herself as PW1 and with Exhibits A1 to A4 has established that the plaint schedule property was assigned to her by the government and issued revenue records in her favour and she is in possession and enjoyment of the plaint schedule property. As per the chief evidence affidavit of the plaintiff, the defendants are trying to interfere with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property.

As there is no contrary evidence and as the defendants are remained exparte, the contents of Exhibits A1 to A4 are consistent with the evidence of the PW1 and the chief evidence affidavit of PW1 and the contents of Exhibits A1 to A4 are remained unchallenged and there is no other go to this court except decreeing the suit in favour of the plaintiff. Hence, this court holds that the plaintiff is entitled for permanent injunction over the plaint schedule property against the defendants, as prayed for.

12. In the result, the suit is decreed with costs by granting permanent injunction in favour of plaintiff restraining the defendants in any way interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property.

Typed to my dictation by the stenographer-III, corrected and Pronounced by me in the open court, on this the **07th day of April, 2022.**

II Addl. Junior Civil Judge,
Chittoor.

Appendix of Evidence
Witnesses examined on behalf of

Plaintiff:

PW 1: B. Padmavathi

Defendants:

None (exparte)

Exhibits marked on behalf of

Plaintiff:

Exhibit A1 is the DKT patta issued in favour of the plaintiff for an extent of
Ac. 2.50 cents in Sy. No. 650.

Exhibit A2 is the endorsement made by the Mandal Surveyor, G.D. Nellore addressing to Tahsildar, G.D. Nellore.

Exhibit A3 is the no.3 adangal for the fasli 1419 in respect of the land in Sy. No. 650/1 for an extent of Ac. 2.50 cents stands in the name of the plaintiff.

Exhibit A4 is the 1-B adangal stands in the name of the plaintiff.

Defendants: -Nil-

II Addl. Junior Civil Judge,
Chittoor.

Draft / Fair Judgment