

IN THE COURT OF THE JUNIOR CIVIL JUDGE : AT: KORUTLA

PRESENT : SRI. J. SYAM KUMAR,
Junior Civil Judge, Korutla.

Friday, this the 21st day of June, 2019

ORIGINAL SUIT NO. 01 OF 2016

Between:

Mohd. Manjoor Ali, S/o Mohd. Mahaboob Ali, 34 years, Occ: Business,
R/o H.No.5-3-336/4, Mumeenpura, Korutla Proper and Mandal.

... Plaintiff

AND

1. Peta Bhaskar, S/o Sailu, 45 years, Occ: Business,
R/o Harijanwada, Korutla Proper and Mandal.
2. Balvanthula Ganga Narsaiah, S/o not known, 47 years, SC, Occ: Mason,
R/o Harijanwada, Korutla proper and Mandal.
3. Bolle Gangadhar @ Jani, S/o Gangaram, 50 years,
Occ: Centering labor, R/o Harijanwada, Korutla Proper and Mandal.

....Defendants

This suit is coming before me for final hearing on 17-06-2019 in the presence of Sri Md. Mubeen pasha, Advocate for the plaintiff and the defendants are set exparte, having been heard and having stood over for consideration to this day, the Court delivered the following:

:: J U D G M E N T ::

The plaintiff filed this suit for grant of perpetual injunction stating that originally Shaik Wahab and Abdul Kadheer were the owners of the suit land in house No.5-3-336/4 along with open place i.e., 225 Sq.yards in Sy.No.273 situated at Mumeenpura, Korutla Proper and Mandal and later in the year 1986, they sold it to one Abdul Majeed, thereafter in the year 1989, the said Abdul Majeed sold it to one Abdul Kayyum and in the 1998, he sold it to one Syed Arifuddin. Later, the said Arifuddin constructed a house and thereafter in the year 2004, he sold to the vendor of the plaintiff Sri. Mohd. Vaseeruddin and thereafter the plaintiff purchased the suit schedule house bearing No. 5-3-336/4 from the said Mohd. Vaseeruddin under a registered sale deed bearing document No. 1278/2014 dated: 07-04--2014 and since then, he has been in peaceful possession and enjoyment by mutating his name in the municipal records. It is stated that the suit schedule property is situated near to the house of SC community people wherein the defendants No.1 to 3 belonged to schedule caste tribes and without any title and possession have started illegal and unauthorized interference with the possession and enjoyment of the plaintiff over the suit schedule house and also with false allegations that the suit schedule land belonged to the government and allotted to the schedule caste people and the said acts of the defendants has been resisted by the plaintiff and finally on 27-12-2015 the defendants along with their followers tried to interfere with his peaceful possession and enjoyment over the suit schedule house and the plaintiff with the help of his associates resisted them, wherein the defendants and their followers threatened the

plaintiff with dire consequences that they will file criminal cases under SC & ST Atrocities Act and also dispossess him from the schedule house. On this cause of action, the plaintiff apprehended danger to his peaceful possession and enjoyment filed this suit for grant of perpetual injunction restraining the defendants, their men, servants and all other persons on their behalf from interfering into the possession and enjoyment of the plaintiff over suit schedule house. Hence, the suit.

2. The defendant Nos.1 and 2 appeared before this court through their advocate, Sri.K. Suresh, but later on failed to file Written statement within the stipulated period of 90 days. Finally on 11-03-2019 this court forfeited the right of filing written statement by the defendants.

3. During the course of enquiry, the plaintiff herself is examined as PW1 and got marked Exs.A1 to A3 documents on his behalf.

4. Heard the submissions of the learned counsel for the plaintiff.

5. Now the point for determination is :

Whether the plaintiff is entitled for grant of perpetual injunction against the defendants as prayed for ?

6. **Point:-** Perused the material on record. The plaintiff, in support of his case, has examined himself as PW1 and got marked Ex.A1 to A3 documents. PW1, in his chief-examination affidavit, reiterated the plaint averments stating that he purchased schedule house property from its owner Shaik Mohd. Naseeruddin under Ex.A1 Registered Sale deed bearing document No. 1278/2014 dt; 07-04-2014. He also deposed that originally Shaik Wahab and Abdul Kadheer were original owners of 225 Sq.yards in Sy.No. 273 and in the year 1986 Abdul Mazeed purchased the same and thereafter in the 1989 Abdul Kayyum purchased the land from Abdul Mazeed and thereafter in the year 1998 one Syed Arifuddin purchased from the said Kayyum who later on constructed house thereon and sold to the vendor of the plaintiff and thus the title and possession has perfectly converted from one person to another. PW1 also deposed that the defendants who belonged to schedule tribes and suit schedule property is situated near to the schedule caste community people started interfering with the title and possession of the plaintiff by making false allegations that the suit schedule land belonged to the government and was allotted to the schedule caste people and accordingly on 27-12-2015 the defendants along with their men tried to interfere with his possession and enjoyment and when it was resisted by the plaintiff the defendants threatened him to file cases under SC & ST Atrocities Act and also dispossess him from the suit schedule house and apprehending danger to his possession and enjoyment plaintiff sought for perpetual injunction against the defendants. This evidence of PW1 has remained unchallenged as the defendants neither choose to contest the matter nor cross-examine the PW1.

7. From the above unchallenged evidence of PW1 coupled with Ex. A1 to A3, it is evident from Ex.A2 that the name of the vendor of the plaintiff Shaik Mohd. Vaseeruddin was mutated in the municipal records as owner of the schedule house property and thereafter the plaintiff purchased the schedule house property from the said Shaik Md. Vaseeruddin under Ex.A1 registered sale deed and later the plaintiff mutated his name in the municipal records and accordingly the municipal authorities issued Ex.A3 ownership certificate and thus the plaintiff has successfully established his possession and enjoyment over the schedule house property. Since the plaintiff apprehends danger to his possession and enjoyment in the hands of defendants as they belonged to SC Community and also that the suit schedule house is situated near to the SC community started illegal interference with the possession and enjoyment of the plaintiff and as such the possession of the plaintiff is required to be protected by way of granting perpetual injunction otherwise the plaintiff will suffer irreparable loss. Accordingly point is answered.

8. ***In the result,*** the suit is decreed with costs restraining the defendants, their men, servants and all other persons on their behalf from interfering with the peaceful possession and enjoyment of the plaintiff over suit schedule house property bearing H.No. 5-3-336/4 along with its open place in 225 Sq. Yards situated at Mominpura, Korutla proper and Mandal, Jagtial District.

Dictated to my stenographer, transcribed by him, corrected, signed and pronounced by me in the open Court, on this the 21st day of June, 2019.

**JUNIOR CIVIL JUDGE,
KORUTLA**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR THE PLAINTIFF:
PW.1- Mohd. Manjoor Ali

FOR THE DEFENDANTS:
-Exparte –

EXHIBITS MARKED

FOR THE PLAINTIFF:

- Ex .A1 Original Registered sale deed date 07-04-2014 executed by Shaik Mohammad Naseeruddin in favour of the plaintiff.
- Ex.A2 Original ownership certificate dt. 02-04-2014 issued in the name of Shaik Md. Naseeruddin by Commissioner, Municipal council, Korutla.
- Ex.A3 Original ownership certificate dt. 29-12-2015 issued in the name of plaintiff by Commissioner, Municipal Council, Korutla.

FOR THE DEFENDANTS:
-Nil-

**JUNIOR CIVIL JUDGE,
KORUTLA**