

**IN THE COURT OF PRINCIPAL JUNIOR CIVIL JUDGE, AT:
MEDCHAL**

PRESENT:- Sri G. Venu., B.A., LL.M., (PGDCL & IPR),
Prl. Junior Civil Judge, Medchal

Original Suit No.1 of 2017

Monday this the 30th day of January 2017

Between:-

Smt. Chitrapu Sri Lakshmi, W/o. Sri. C. Veeraju
Aged : 60 years, Occ: Housewife,
R/o. Plot No.13, Samrat colony, Near Checkpost,
West Maredpally, Secunderabad.

...Plaintiff

and

Sri. Raja Sekhar, S/o. Not known to the plaintiff,
Aged: 45 years, Occ: Business,
R/o. H.No. 807/2, Near Reliance Fresh,
Vivekananda Nagar, Kukatpally, Hyderabad.

...Defendant

This suit is coming before me on this 20-1-2017 for hearing and disposal in the presence of Sri.V.S. Subramanyam, learned Counsel for the plaintiff and the defendant in exparte and having stood over for consideration, the Court delivers the following:

-.JUDGMENT:-

1. This is the suit of perpetual injunction filed by plaintiff against the defendant to restrain her from interfere with her peaceful possession and enjoyment over the suit schedule open house plot.
2. The case of plaintiff is that she is the absolute owner and possessor of suit schedule open house plot bearing No. 205 admeasuring 200 Sq.yards in Sy.No.281 to 284, 288 & 295 situated at Gajularamaram Village Quthbullapur Mandal. She purchased the same from her vendor namely K. Gruhajyothi, W/o. Venkat Ramana under the Ex.A-1/registered sale deed. Thereafter, as both of them found that some survey numbers were not included in the Ex.A.1 due to over sight and mutual mistake at the time of the preparation of the same, they got execution of Ex.A.3/ Registered

supplementary deed by rectifying the said mistake. The above said vendor purchased the same from one A. Padmalatha and others under Ex.A.2/registered sale deed. Ever since the purchase of suit schedule plot, plaintiff has been in the peaceful possession and enjoyment of the same without any obstruction from any one. Accordingly, possession of it was delivered to her. While the things being stood so, on 20-12-2016, defendant along with his henchmen having no right or interest over the suit schedule plot, came there and tried to trespass into it, hence, plaintiff approached the concerned local police of Jagathgirigutta police station and requested to register a case against the defendant and his henchmen, but as the police failed to take any action and further, advised her to approach the competent civil court, she was constrained to file the present suit.

3. Having received the summons, defendant failed to appear to answer and settle the issues, hence, suit is heard in Ex-parte against him.
4. To establish the suit claim, plaintiff alone was got examined as PW-1 and got marked the Ex.A-1 to A-3.
5. Now, the point for determination is:
 1. **Whether the plaintiff is in the lawful possession of suit schedule plot as on the date of filing of the suit ?**
 2. **Whether the plaintiff is entitled for the perpetual injunction as prayed for. If so, to what relief ?**

Point No.1:-

6. As stated supra, in order to pass the suit relief, Plaintiff alone was got examined as PW-1 and got marked the Ex.A-1 to A-3. The perusal of Ex.A-1 goes to show that

plaintiff purchased the suit schedule open plot from her vendor through a registered sale deed. The perusal of it goes to show that it is mentioned that said property is situated in Sy.No.281 to 283 of Gajularamaram Village, but as per the pleadings of the plaintiff, as the suit schedule plot is situated in Sy.No.281 to 284, 288 & 295, in order to establish the same, she relied upon the Ex.A.3. The perusal of Ex.A-3 goes to show that plaintiff and her vendor who executed the Ex.A.1 also executed the Registered Supplementary deed by stating that due to the oversight and mutual mistake, they could not include the Sy.No.284, 288 & 295 in the Ex.A.1, hence, under the said supplementary deed, they rectified the said mutual mistake. The perusal Ex.A.2 goes to show that the vendor of the plaintiff purchased the suit schedule plot from one A. Padmalatha and others represented by their GPA holder Indrasena Reddy and one M/s. Shalivahana Builders Private Ltd., represented by its Executive Director B. Damodar being the developer. Admittedly, plaintiff has not produced the approved layout copy under which suit schedule plot was converted into the plot. This gives rise to draw an inference that without being obtain of any regularization of the layout of the suit schedule plot from the competent authorities, plaintiff is intending to obtain the injunction against the defendant, however, as the plaintiff is claiming her possession over the suit schedule open plot only by giving the schedule to the plaint, I am of the view that through the oral evidence of Pw.1 coupled with the Ex.A-1 to A-3, plaintiff could establish her possession over it as on the date of the filing of the suit. Moreover, though ample opportunity was given, as the defendant did not raise any contrary contention regarding the facts put forth by the plaintiff by making her presence, what was deposed by PW-1 has to be

considered in total as it remains unchallenged. Hence, it can be said that plaintiff could establish her possession over the suit schedule plot as on the date of filing of the suit. Thus, Point No.1 is answered in favour of the plaintiff.

Point No.2:

7. The evidence of PW.1 is that without having any right or interest over the above suit schedule open plot, defendant tried to interfere with her peaceful possession and enjoyment over it on 20-12-2016 hence, in view of finding on Point No.1 and also having considered the evidence of PW-1, this point is answered in favour of the plaintiff and against the defendant. Thus, the plaintiff is entitled for perpetual injunction against the defendant for the suit schedule open house plot only.

In the result: the suit is decreed without costs by restraining the defendant from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule open house plot.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in the open Court on this the 30th day of January 2017.

***Prl. Junior Civil Judge,
Medchal***

APPENDIX OF EVIDENCE
Witnesses examined on behalf of

Plaintiff

PW.1: Chitrapu Srilakshmi/plaintiff

Defendant

--None--

Exhibits marked

Ex. A - 1 - C.C. of Sale Deed bearing doc No. 3308/1997
Ex. A - 2 - C.C. of Sale Deed bearing doc No. 2861/1997
Ex. A - 3 - Regd. Supplementary Deed bearing No.5581/2008

**Prl. Junior Civil Judge,
Medchal**