

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

OP(C).No. 551 of 2014 (O)

**E.A.NO.180/2009 IN E.P.NO.151/2007 IN O.S.NO.796/2001 OF ADDITIONAL MUNSIF
COURT, ALAPPUZHA**

PETITIONER(S)/COUNTER PETITIONERS IN E.A. :

- 1. SUSEELA VADHYAR,
D/O.YAMUNA BAI, THEKKENADAYIL, PUTHEN MADATHIL,
A.N.PURAM, THIRUVAMPADY P.O., ALAPPUZHA DISTRICT-688 002.**
- 2. RETNAMALA,
D/O. SUSEELA VADHYAR, THEKKENADAYIL, PUTHEN MADATHIL,
A.N.PURAM, THIRUVAMPADY P.O., ALAPPUZHA DISTRICT-688 002.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.T.B.REMANI
SMT.V.BHARGAVI (PANANGAD)
SMT.P.ARINUSA
SMT.ANNIE JACOB**

RESPONDENT(S)/1ST PETITIONER IN E.A. :

**JAYASREE JEEVAN KUMAR,
W/O. JEEVAN KUMAR, REVATHY, PALACE WARD,
MULLACKAL VILLAGE, ALAPPUZHA DISTRICT-688 001.**

BY ADV. SRI.K.V.SADANANDA PRABHU

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 13-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 551 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF DECREE PASSED BY THE MUNSIFF COURT,
ALAPPUZHA DATED 20-03-2004 IN O.S.NO.796/2001.**

**EXHIBIT P2: TRUE COPY OF E.A.NO. 180/2009 IN E.P.NO.151/2007 IN
O.S.NO.796/2001 ON THE FILED OF MUNSIFF'S COURT,
ALAPPUZHA.**

**EXHIBIT P3: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS
TO EXT. P2.**

**EXHIBIT P4: TRUE COPY OF THE ORDER DATED 07-02-2014 IN E.A.NO.180/2009
IN E.P.NO.151/2007 IN O.S.NO.796/2001 OF HON'BLE ADDITIONAL
MUNSIFF COURT, ALAPPUZHA.**

**EXHIBIT P5: TRUE COPY OF THE SURGICAL TREATMENT SUMMARY
DATED 19-08-2009 OF 1ST PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
O.P.(C) No. 551 of 2014
.....

Dated this the 13th day of July, 2015

J U D G M E N T

A decree for mandatory injunction was sought to be executed. In the mean time, after vacating the building in question, a lean-to was put up at the side of the building. There was an attempt from the part of the petitioner and others to trespass into it. The same was resisted by the respondent decree holder through O.S.No.409/2009 filed for injunction and the suit was decreed as against him on 28.02.2011.

2. Heard.

3. The learned counsel for the respondent has produced photographs showing the present state of affairs. As on today nobody is occupying the lean-to. The claim

forwarded by the petitioners cannot be entertained. Hence, this Original Petition is devoid of merits and it is only to be dismissed.

In the result, this Original Petition is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge