



2025:KER:25603

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

O.P. (C) NO.2960 OF 2024
(AGAINST THE ORDER/JUDGMENT IN OS NO.187 OF 2014
OF MUNSIFF COURT, CHENGANNUR)

PETITIONERS/JUDGMENT DEBTORS/DEFENDANTS:

- 1 SANTHOSH KUMAR, AGED 51 YEARS,
 CHEMBOLIMALAYIL THAZHATHETHIL HOUSE, PULIYOOR MURI,
 PULIYOOR VILLAGE, ALAPPUZHA DISTRICT, PIN - 689 510

- 2 SANTHAMMA, AGED 71 YEARS,
 CHEMBOLIMALAYIL THAZHATHETHIL HOUSE, PULIYOOR MURI,
 PULIYOOR VILLAGE, ALAPPUZHA DISTRICT, PIN - 689 510

BY ADV V.R.SANJEEV KUMAR

RESPONDENT/DECREE HOLDER/PLAINTIFF:

GRACY ISSAC, AGED 74 YEARS, W/O LORENZ ISSAC,
GRACE VILLA, EREZHA NORTH MURI, KANNAMANGALAM VILLAGE,
FROM THEKKEVILAYIL HOUSE, PONNARAMKOTTAM MURI,
MAVELIKKARA VILLAGE, ALAPPUZHA DISTRICT, PIN - 690 106

BY ADVS.
P. THOMAS GEEVERGHESE
TONY THOMAS (INCHIPARAMBIL) (K/810/2010)
AMRUTHA K.P. (K/836/2020)
SAGAR ROSHAN (K/3985/2023)
RUBAN JOE TONIYO (K/002926/2022)

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 20.12.2024, THE COURT
ON 25.03.2025 DELIVERED THE FOLLOWING:



2025:KER:25603

JUDGMENT(Dated: 25th March, 2025)

O.S. No.187 of 2014 is a suit filed for injunction. The suit was decreed ex-parte on 29.07.2015. As per the said decree, defendants and their men are restrained from trespassing into the plaint schedule property and the building therein, from destroying boundaries of the plaint schedule property, committing any waste therein, and from interfering with the possession and enjoyment of the plaintiff over the plaint schedule property through a permanent prohibitory injunction. Thereafter, E.P.No.26 of 2018 was filed. On 12.12.2024 in E.P.No.26 of 2018, an order was passed, and the Amin was appointed to evict the judgment debtor as per the order in E.A.No.15 of 2020 with the assistance of police.

2. At this point of time, the petitioner approached this court and obtained an interim stay of delivery of the property. Pursuant to the order passed on 12.12.2024, the Registry was directed to get a report



2025:KER:25603

as to whether the petitioner has applied for a certified copy or carbon copy of the order in E.P.No.26 of 2018. It is reported that the petitioner has not applied for the certified copy or the carbon copy.

The reliefs sought in this original petition are as follows:

- i. *Call for records pertaining to E.P.No.26 /2018 in O.S.No.187/2014 on the files of Hon'ble Munsiff Court, Chengannur.*
- ii. *Direct the Hon'ble Munsiff Court, Chengannur to stop all further proceedings for taking possession of the petitioners property through the Amin to evict the petitioners as per the order in E.A.No.15/2020 with Police Assistance for the execution of decree, and*
- iii. *To pass such other orders or reliefs as this Hon'ble Court deems fit in the interest of justice.*

The petitioner has not challenged any of the proceedings against him but wants this court to stay all further proceedings. The jurisdiction of this court in Article 227 being very narrow, the reliefs sought cannot be granted. Hence, this Original Petition (C) is dismissed.

Sd/-
BASANT BALAJI,
JUDGE



2025:KER:25603

APPENDIX OF OP(C) 2960/2024

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED BY THE PULLIYOOR GRAMAPANCHAYATH VIDE RECEIPT NO.6046811003950 IN CONNECTION WITH DOOR NO.9/17 ON 17.12.2024 IN THE NAME OF 1ST PETITIONERS FATHER
- Exhibit P2 . A TRUE COPY OF THE DEMAND NOTICE NO.SC3/3458/23 DATED 07.11.2024 ISSUED BY THE SRI.PODIYAN IN CONNECTION WITH THE PROPERTY COMPRISED IN 9/17
- Exhibit P3 A TRUE COPY OF THE PLAINT FILED AS SUIT FOR INJUNCTION BEFORE THE HON'BLE MUNSIF COURT, CHENGANNUR AS O.S. NO. 187/2014 ON 31.05.2014
- Exhibit P4 A TRUE COPY OF THE DECREE PASSED BY THE HON'BLE MUNSIF COURT, CHENGANNUR IN O.S. NO. 187/2014 ON 29.07.2015
- Exhibit P5 A TRUE COPY OF THE JUDGMENT MADE IN O.S. NO. 187/2014 BY THE HON'BLE MUNSIF COURT CHENGANNUR ON 29.07.2015
- Exhibit P6 A TRUE COPY OF THE EP NO.26/2018 FILED BY THE RESPONDENT IN OS NO.187/2014 ON 13.04.2018 BEFORE THE HON'BLE MUNSIF COURT CHENGANNUR
- Exhibit P7 . A TRUE COPY OF THE OBJECTION DATED 28.09.2023 FILED BY THE PETITIONERS IN CONNECTION WITH EP. NO.26/2018
- Exhibit P8 A TRUE COPY OF THE CASE STATUS IN CONNECTION WITH EP 26/2018 ON 12.12.2024