

**IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE : AT
ADILABAD**

PRESENT: Ms.S.Manjula
Prl.Junior Civil Judge,
Adilabad

Friday, the 02nd day of June, 2023

O.S.No.180 of 2022

Between:

MD. Tajuddin, S/o.Ahmed mohiuddin, Age:33 years,
Occ: Business, R/o.H.no.1-4-349/9/a, Masoodnagar, Adilabad

... Plaintiff

A n d

Ayub, S/o.Raheem, Age:35years, Occ: Real Estate Broker,
R/o.Khanapur street, Abdullah chowk, Adilabad

... Defendant

This suit is coming on 20.04.2023 before me for final hearing in the presence of Sri Abdul kaleem, Advocate for the plaintiff and the defendant is set exparte, having been heard and having stood over for consideration the Court delivered the following :

: J U D G M E N T:

1. This suit is filed by the Plaintiff for perpetual injunction restraining the defendant and his family members, servants, agents, yes-men, henchmen, friends, relatives, representatives-in-interest from entering, interfering and disturbing the peaceful possession and enjoyment of the plaintiff over the suit schedule property i.e., the open plot No.44/A allotted to the house bearing Municipal door No.14-44/3 admeasuring 40'x60'=2400 sft situated at Ward no.14 Kailashnagar village and mandal Dasnapur, Mandal Mavala, District Adilabad.

2. The brief averments of the plaint are that the plaintiff is the absolute owner and possessor of the open plot No.44/A allotted to the house bearing

Municipal door No.14-44/3 admeasuring 40'x60'=2400 sft situated at Ward no.14 Kailashnagar village and mandal Dasnapur, Mandal Mavala, District Adilabad bounded by East:Plot of Others, West:Road, North: House of others and South:Road. The plaintiff purchased the suit property from his vendor namely Mesram Ukka Rao for sale consideration of Rs.7,20,000/- under registered sale deed vide Doc.No.4365/2022 dated 13.06.2022 and since then he has been in the possession and enjoyment of the suit property. It is further submitted that the defendant has no right over the aforesaid land, but on 26.06.2022 while the plaintiff was in the suit property defendant came to the suit property and tried to enter and interfere into the suit property so also tried to dispossess the plaintiff from the suit property. Hence the suit.

3. Summons served on the defendant and defendant did not appear since long time, sufficient time already given, hence he was set exparte and the matter is posted for Plaintiff evidence.

4. The plaintiff has examined himself as Pw1 and got marked Ex.A1 to A9.

Heard arguments on behalf of plaintiff.

5. Now the issues that are to be decided are:-

1. Whether the Plaintiff is absolute owner and in lawful possession over suit schedule property as on the date of filing of suit?

2. Whether the Plaintiff is entitled for relief of perpetual injunction against the Defendant restraining him from interfering with peaceful possession and enjoyment of the plaintiff over suit schedule property as prayed for?

3. To what relief?

ISSUES No.1 & 2:

6. It is the claim of the Pw.1 that she is the absolute owner and possessor was absolute owner the open plot No.44/A allotted to the house bearing Municipal door No.14-44/3 admeasuring 40'x60'=2400 sft sitauted at Ward no.14 Kailashnagar village and mandal Dasnapur, Mandal Mavala, District Adilabad which is extended within the boundaries as per the schedule. It is his claim that the defendant and his henchmen are interfering with her lawful possession over the suit property.

7. The Pw1 has adduced oral and documentary evidence in support to her case to prove his lawful ownership possession over the suit property as on the date of filing of the suit. In support of his case as adduced documentary evidence i.e., Ex.A1 to A9 which are Ex.A1 is the Certified copy of Register sale deed vide Doc.No.4365/2022, Ex.A2 is the Property Tax Assessment Noitice bearing No.9109403484 issues by Municipality Adilabad, Ex.A3 is the Online downloaded Tax paid receipt for the year 2022-2023, Ex.A4 is the True copy of Proc.No.B3/4914/94 issued by the office of the District Collector, adilabad to MRO Adilabad, Ex.A5 is the True copy of Patta Proc.No.C/4914/1994 issued by the Tahsildar, in the name of vendor, Ex.A6 is the True copy of Possession Certificate issued by the Tahsildar, Adilabad in the name of my vendor, Ex.A7 is the No objection Certificate issued by the Tahsildar, Adilabad in the name of of vendor, Ex.A8 is the Memo sought under RTI Act, 2005 and Ex.A9 is the Receipt of Property Tax paid by the Plaintiff from 01-04-2022 to 31-03-2023.

On the other side, the defendant has failed to appear before the court and failed to contest the matter.

8. In view of the oral and documentary evidence adduced by the petitioner/Pw.1, this court thinks that the plaintiff is in lawful possession over the suit property as on the date of suit property, if the relief is not granted plaintiff would suffer irreparable loss.

As the defendant failed to disprove the claim of the plaintiff and as the plaintiff has adduced evidence in support of her case, considering the facts and circumstances the court thinks just and reasonable to grant the relief to the plaintiff.

ISSUE No.3:

9. **In the result**, the suit is decreed without costs granting the relief of perpetual injunction restraining the defendant and his family members, servants, agents, yes-men, henchmen, friends, relatives, representatives-in-interest from entering, interfering and disturbing the peaceful possession and enjoyment of the plaintiff over the suit schedule property i.e., the open plot No.44/A allotted to the house bearing Municipal door No.14-44/3 admeasuring 40'x60'=2400 sft situated at Ward no.14 Kailashnagar village and mandal Dasnapur, Mandal Mavala, District Adilabad. The Interim Applications shall stand closed.

Typed to my dictation directly on computer and after corrections, pronounced by me in the open Court on this the 02nd of June, 2023.

Prl. Junior Civil Judge,
Adilabad

:APPENDIX OF EVIDENCE:
WITNESSES EXAMINED

FOR THE PLAINTIFF:
PW1: MD. Tajuddin

FOR THE DEFENDANTS:
- Exparte -

EXHIBITS MARKEDFOR THE PLAINTIFF:

Ex.A1	Certified copy of Register sale deed vide Doc.No.4365/2022
Ex.A2	Property Tax Assessment Noitice bearing No.9109403484 issues by Municipality Adilabad
Ex.A3	Online downloaded Tax paid receipt for the year 2022-2023
Ex.A4	True copy of Proc.No.B3/4914/94 issued by the office of the District Collector, adilabad to MRO Adilabad
Ex.A5	True copy of Patta Proc.No.C/4914/1994 issued by the Tahsildar, in the name of vendor
Ex.A6	True copy of Possession Certificate issued by the Tahsildar, Adilabad in the name of my vendor
Ex.A7	No objection Certificate issued by the Tahsildar, Adilabad in the name of of vendor
Ex.A8	Memo sought under RTI Act, 2005
Ex.A9	Receipt of Property Tax paid by the Plaintiff from 01-04-2022 to 31-03-2023

FOR THE DEFENDANT:

-Exparte-

Prl. Junior Civil Judge,
Adilabad