

IN THE COURT OF THE PRINCIPAL MUNSIF, ALAPPUZHA.**Present: Sri.Harikrishnan.M, Civil Judge (Junior Division)****Wednesday 25th February 2026/06th Phalguna 1947****OS.851/2022****Filed on 07-11-2022****Plaintiffs:**

1. Kamalamma, aged 73 years,
D/o Gopalan, Naduvilepparambil,
Kanjipadam Muri, now residing at
Mangattuvaalil, Changamkari Muri,
Edathua Village, Alappuzha
2. Girija @ Pennamma, aged 64 years,
D/o Gopalan, Thottukadavu,
Paravoor Muri, Paravoor Village,
Alappuzha
3. Pushpamma, aged 57 years,
D/o Gopalan, Munduchirayil,
Vezhapra Muri, Ramankari Village

By Adv.Sri.S.Sudarsanakumar**Defendants:**

1. Bindu, aged 45 years, D/o Sivanandan,
Naduvilepparambil (Biju Sadanam),
Kanjipadam Muri, Ambalappuzha Village,
Alappuzha
2. Biju, aged 42 years, S/o Sivanandan,
Naduvilepparambil (Biju Sadanam),
Kanjipadam Muri, Ambalappuzha Village,
Alappuzha
3. Binu, aged 40 years, S/o Sivanandan,
Naduvilepparambil (Biju Sadanam),
Kanjipadam Muri, Ambalappuzha Village,
Alappuzha

4. Ambili, aged 38 years, D/o Sivanandan, Naduvileparambil (Biju Sadanam), Kanjipadam Muri, Ambalappuzha Village, Alappuzha
5. Baiju, aged 34 years, S/o Sivanandan, Naduvileparambil (Biju Sadanam), Kanjipadam Muri, Ambalappuzha Village, Alappuzha
6. Renjith, aged 35 years, S/o Sivanandan, Naduvileparambil (Biju Sadanam), Kanjipadam Muri, Ambalappuzha Village, Alappuzha

**By Adv.Stephy Thankachan & Adv.Sheeba S.
(Exparte)**

This suit having been finally heard on 25-02-2026 and the court on the same day delivered the following:

JUDGMENT

1. Suit is for partition.
2. **Gist of the plaint averments in brief are as follows:-**

The plaintiffs and defendants belong to Hindu community and are governed by The Hindu succession Act, 1956. The plaintiffs along with the father of the defendants Sivanandan and Prabhakaran are the five children of late Gopalan, Naduvileparambil, Kanjipadam Muri, Ambalappuzha Village, Alappuzha. The property of 30 cents in old survey number 273/6A/4 of Ambalappuzha village, originally belonged to the plaintiffs, Prabhakaran and Sivanandan as per a sale deed No. 761/1963 dated 02/05/1963 of Ambalappuzha SRO. The said Prabhakaran was a bachelor who died intestate and his right over the scheduled property devolves to the plaintiffs and Sivanandan. The father of the defendants Sivanandan also died intestate leaving the defendants as the legal heirs. After the death of Sivanandan and Prabhakaran, the plaintiffs and defendants were in joint

possession of entire scheduled property as co-owners. The plaintiffs are entitled to get 1/4th share each over the plaint scheduled property and the defendants are entitled to get 1/4 share over the plaint scheduled property. The plaintiffs are entitled for partition and separate possession of 1/4th share each over the plaint scheduled property. The plaintiffs several times demanded the defendants for effecting partition and separate possession of the plaint scheduled property but the defendants denied the demands of the plaintiffs. Finally, a legal notice was sent to the defendants on 24/12/2021. But defendants refused to effect partition over the scheduled properties. Hence this suit.

3. On receiving the summons the defendants chooses to remain ex-parte. No oral evidence adduced from the side of the plaintiff. The Sale deed No.761/1963 is marked as Ext.A1, certified copy of thandaper register is marked as Ext.A2, land tax receipt is marked as Ext.A3.

4. Heard the learned counsel for the plaintiff. Perused the case records.

5. The plaintiff has produced the title deed of the plaint scheduled property. It is evident from Ext.A1 sale deed that the plaint scheduled property belongs to the plaintiffs and the father of the defendants named Mr.Sivanandan. From the pleadings advanced from the side of the plaintiff it is discernible that the father of the defendant was already expired. So the property is under the joint ownership and possession of the plaintiffs and defendants herein. So this court is of the firm view that the plaintiffs has proved their independent entitlement of $\frac{1}{4}^{\text{th}}$ share of right over the plaint scheduled property. Since there is no contra evidence adduced by the defendants to discredit the material evidence on record, the suit is decreed and a preliminary decree is passed as follows:-.

- 1.The plaintiffs are entitled to get independent 1/4th share of right each over the plaint scheduled property.**
- 2.The defendants are jointly entitled to get 1/4th share of right over the plaint scheduled property.**
- 3. The plaintiffs are directed to apply for passing a final decree by taking out of a commission within 3 months from today.**
- 4. The costs of the proceedings shall come out of the estate.**

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 25th day of February, 2026).

Sd/-

HARIKRISHNAN.M

CIVIL JUDGE (JUNIOR DIVISION)

APPENDIX :

Exhibits for Plaintiff

A1	-	Sale Deed No.761/1963
A2	-	Certified copy of Thandaper Register
A3	16-09-2025	Land Tax Receipt

Id/-

Civil Judge (Junior Division)