

IN THE COURT OF THE SUBORDINATE JUDGE, ALAPPUZHA

Present:-Smt. Rekha Laurian, Sub Judge

Saturday the 28<sup>th</sup> day of March, 2026/07<sup>th</sup> day of Chaithra 1948

**O.S.No. 14/2023**

Filed on 05.4.2023

**Plaintiffs:-**

1. Lekha Baiju, aged 48 years, W/o Late Baiju, Puthenparambil, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
2. Lija Baiju, aged 30 years, D/o Late Baiju Puthenparambil of -do-
3. Lijil Baiju, aged 25 years, S/o Late Baiju Puthenparambil of -do-
4. Joshy, aged 53 years, S/o Late Sugathan, Nikarthil House, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
5. Sibi Banarji, aged 43 years, W/o Late Rajendran, Kalabhavan, Kuttamanhgalam P.O, Kainakari, Alappuzha.
6. Amal Raj, aged 20 years, S/o Late Rajendran, of -do
7. Sadanandan, aged 79 years, S/o Kunjipennu, Poril House, South Aryadu, Avalukuunu, Komalapuram, Alappuzha.
8. Chellamma, aged 81 years, D/o Kunjipennu, of – d o-
9. Rajesh, aged 38 years, D/o Late Sumathi, Valasseril House, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
10. Padmaprasad, aged 56 years, S/o Late Sivaraman, Kochidaparambuveli, of – d o-

***(By Adv. Rosy.P)***

**Defendants:-**

1. Deepaguran, aged 54 years, S/o Late Sukumaran, Puthenparambil, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
  2. Sulekha Sabu, aged 53 years, D/o Late Sukumaran, Palukaran Veedu, Kuttamangalam P.O, Kainakari, Alappuzha.
  3. Sujatha Kujumon, aged 56 years, D/o Late Sukumaran, Vattachira, Avalukuunu P.O, Komalapuram, Alappuzha
  4. Mahesh babu, aged 54 years, S/o Late Vijayamma, Souparnika, of -do-
  5. Pushpalatha, D/o Late Vijayamma, 51 years, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
  6. Jaysree Manoharan, aged 53 years, D/o Late Vijayamma., South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
  7. Shaila Vijayan, aged 55 years, D/o Late Sivaraman, Aasariparambu, Kayippuram, Muhamma P.O, Alappuzha.
  8. Revamma Bhargavan, aged 60 years, D/o Late Sivaraman, Kattunkal, South Aryad, Avalukkunnu P.O, Komalapuram, Alappuzha
  9. Sujedambika Kunjumon, 53 years, D/o Late Sivaraman, Naithyal House, of -do-
- Additional D10 Rajamma, aged 82 years, W/o Late Sugathan, Nikarthil House, of – d o-

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Additional D11 Mandakini, aged 80 years,  
W/o Late Sukumaran, Puthenpurayil House,  
South Aryad, Komalapuram, Alappuzha

Additional D10 and D11 are impleaded as per the order in IA 07/2024 dated 30/09/2024

**(D1to D3 by Adv. Dharmapalan  
D4 to D11 Exparte)**

This suit having been finally heard on 12.03.2026 and the court on 28.03.2026 delivered the following:-

### **JUDGMENT**

Suit for partition.

2. Plaintiff averments in brief are as follows:- The plaintiffs and the defendants belongs to Hindu religion and they are governed by Hindu Succession Act, 1956. The plaintiff and defendants are the children and grand children of Smt.Kunjipennu. Smt.Kunjipennu was in possession, ownership and enjoyment of 14.70 ares of land comprised in Re.sy.No.399/5 Block No.7 of Komalapuram Village, Ambalappuzha Taluk, Alappuzha district. The said property is hereinafter referred as the plaintiff schedule property. She had obtained the plaintiff schedule property by virtue of partition deed registered as document No.1471/1096(ME) of SRO, Mararikulam. Smt.Kunjipennu died intestate leaving her seven children named 1.Sukumaran, 2.Sivaraman, 3.Sadanandan, 4.Sugathan, 5.Vasumathi, 6.Chellamma and 7.Vijayamma. Among the said children of Smt.Kunjipennu, only Sadanandan and Chellamma are still alive today. All the other children of Smt.Kunjipennu have passed away. The plaintiffs No.1 to 3 are wife and children of late Baiju who is the son

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late Sugathan who in turn is the son of late Smt.Kunjipennu. The 4<sup>th</sup> plaintiff is the son of late Sugathan and plaintiffs No.5 and 6 are the wife and son of late Rajendran who is another deceased son of late Sugathan. The 7<sup>th</sup> and 8<sup>th</sup> plaintiffs are the only two surviving children of late Kunjipennu. The 9<sup>th</sup> plaintiff is the only son of late Sumathi, who is the daughter of Kunjipennu. Plaintiffs 10 and defendants No.7 to 9 are the children of late Sivaraman who is the deceased son of late Kunjipennu. The defendants No.1 to 3 are the children of late Sukumaran and 4<sup>th</sup> to 6<sup>th</sup> defendants are the children of late Vijayamma. The plaint schedule property was owned by late Smt.Kunjipennu. It devolved upon her children equally since Smt.Kunjipennu died intestate. The children of Smt.Kunjipennu are entitled to 1/7<sup>th</sup> share each in the plaint schedule property by way of succession. The legal heirs of late Sugathan, named plaintiffs No.1 to 6 are jointly entitled to get 1/7<sup>th</sup> share in the plaint schedule property. The 7<sup>th</sup> and 8<sup>th</sup> plaintiffs are entitled to get 1/7 share each in the plaint schedule property since they are the children of Kunjipennu. The 9<sup>th</sup> plaintiff is entitled to get 1/7 share in the plaint schedule property who is the only child of late Sumathi. Plaintiff No.10 who is one among the four children of late Sivaraman, is entitled to get ¼ share in the 1/7<sup>th</sup> share of the plaint schedule property to which late Sivaraman is entitled to. The defendants No.1 to 3 are the children of late Sukumaran and they are entitled to 1/7<sup>th</sup> share in the plaint schedule property jointly. The defendants No.4 to 6 are jointly entitled to 1/7 share in the plaint schedule property. The plaint schedule property is in the joint and absolute ownership and joint possession of plaintiffs and defendants. The plaintiffs demanded to the defendants to effect partition in the plaint schedule property. But the defendants are not amenable to said request of the plaintiffs. The plaintiffs No.1 to 9 are legally entitled to get 4/7<sup>th</sup> share in the plaint schedule property and the 10<sup>th</sup> plaintiff is entitled to get 1/4<sup>th</sup> share in the 1/7<sup>th</sup> share in the plaint schedule property in such a way that the legal heirs of late

Sugathan viz, plaintiffs No.1 to 6 are jointly entitled to get 1/7<sup>th</sup> share in the plaint schedule property. The 7<sup>th</sup> and 8<sup>th</sup> plaintiffs are entitled to get 1/7<sup>th</sup> share each in the plaint schedule property since they are the children of Smt.Kunjipennu. The 9<sup>th</sup> plaintiff is entitled to get 1/7<sup>th</sup> share in the plaint schedule property who is the only child of Late Sumathi. Plaintiff No.10 who is one among the four children of late Sivaraman, is entitled to get 1/4<sup>th</sup> share in the 1/7<sup>th</sup> share of the plaint schedule property to which late Sivaraman is entitled to. The plaint schedule properties are in the joint possession and enjoyment of the plaintiffs and defendants. The market value of the plaint schedule property is Rs.20,00,000/-. The said value of the plaint schedule property for the purpose of court fee and jurisdiction is Rs.20,00,000/-. The cause of action for the above suit arose on 15.01.1987 on which date Smt.Kunjipennu died intestate leaving behind her children and finally on 30.01.2023 when the plaintiffs demanded for partition of the plaint schedule property by dividing the same by metes and bounds. The plaint schedule property is situated at Komalapuram Village, Ambalappuzha Taluk, Alappuzha District within the territorial jurisdiction of this court. The property sought to be partitioned is situated within the territorial jurisdiction of this court and parties are also residing within the jurisdiction of this court. The plaintiffs and defendants are Hindus and are governed by Hindu Succession Act,1956. Hence the suit.

3. Written statement filed by the 1<sup>st</sup> to 3<sup>rd</sup> defendants contending as follows:- The suit is not maintainable either in law or on facts. It is false that the property is in joint ownership and possession of the plaintiffs and the defendants. Mandakini the wife of deceased Sukumaran who was the son of deceased Kunjipennu is not made a party to the suit. So the suit is barred for non joinder of necessary party. An oral partition was effected on 01.02.1992

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after the death of Kunjipennu. Before that the property which belonged to late Padmanabhan husband of Kunjipennu was partitioned. It was also considered during oral partition. Smt.Vijayamma who is the daughter of Kunjipennu was given 4 ½ cents to the eastern side and Smt.Chellamma was given 5 cents to the southern side of said property. Towards western side Sri.Sadanandan was given 4 cents and the western side Smt.Sumathi was given 6 ½ cents. Towards further northern side 4 cents of property was given to Sugathan and the northern side 4 ¼ cents property was given to Shivaraman. Further to the eastern side 9 ½ cents was given to Sukumaran. Fencing was put up demarcating the boundaries. The 1<sup>st</sup> defendant purchased 4 ¼ cents from Shivaraman on 04.03.1993 by giving sale consideration of Rs.8,500/-. It lies as single unit along with 9 ½ cents to Sri.Sukumaran. So 4 ½ cents of property is in ownership and possession of 1<sup>st</sup> defendant from 04.03.1993. The defendant No.1 to 3 have constructed a house therein and first defendant is residing there with his family. Defendant No.1 to 3 are having joint ownership and possession over 9 ½ cents of property obtained by their father Sukumaran and 1<sup>st</sup> defendant is having ownership and possession over 4 ¼ cents of property lying as single compact unit and having very old fencing having more than 30 years age. In the property situated to the southern side of the property of the 1<sup>st</sup> defendant, there is a house wherein legal heirs of Chellamma are residing. To the eastern side of legal heirs of Vijayamma who are 4, 5 and 6 defendants are having property and which is having old fencing. Defendants No.1 to 3 have improved the property belonging their father and has been residing in the said house with their mother Manthakini. The 1<sup>st</sup> defendant has constructed a coir factory in 4 ¼ cents of property and has also made some cultivations. In the 9 ½ cents of property in joint possession of defendants No.1 to 6, there are very old jack fruit trees, ilanji and small coconut tree and also there is a mango tree and other trees in 4 ½ cents of property.Also the 1<sup>st</sup> defendant cultivated

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several trees. The cause of action stated in the plaintiff also false. The property is not partible and the suit is liable to be dismissed.

4. The additional defendant No.10 and 11 are impleaded in this case as per Order in IA.7/2024 dated 30.09.2024. 4<sup>th</sup> defendant to additional 11<sup>th</sup> defendant remained absent and trial was proceeded in their absence.

5. Based on the above pleadings, the following issues were framed for trial:-

1. Is the plaint schedule property partible ?
2. If so, what shall be the share of the plaintiffs?
3. Reliefs and costs?

6. From the side of the plaintiffs, PW1 to PW4 were examined and Exts.A1 to A6 and Exts.C1, C1(a) and C1(b) were marked. DW1 to DW4 were examined and Exts.B1 to B3 were marked from the side of defendant.

7. **Issue No.1 and 2:-** The plaintiffs' case is that the plaintiffs and defendants who belongs to Hindu Religion are children and grandchildren of late Kunjipennu. The plaint schedule property belonged to late Kunjipennu as per document No.1471/1096 ME of SRO, Mararikulam. Kunjipennu died on 15.01.1987 intestate living behind her children. Even though the plaintiffs repeatedly asked for partition of the plaint schedule property by dividing the same by metes and bounds, the defendants denied the partition. Hence the suit is filed. The case of the defendants is that the property belonging to Kunjipennu was partitioned orally . Property which belonged to late Padmanabhan who is the husband of Kunjipennu was partitioned prior to the

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said oral partition. So the said partition was also considered while effecting the oral partition. The parties have already took the property into exclusive possession and has made improvements. So the property is not partible and the suit is liable to be dismissed.

8. The first plaintiff mounded the box and was examined as PW1. She filed proof affidavit in lieu of examination in chief reiterating her contention in the plaint. Ext.A1 to A5 were marked. Ext.A1 is the letter dated 01.02.2023 issued from Sub Registrar Office, Alappuzha. Ext.A2 is the death certificate of Kunjipennu. Ext.A3 is the family membership certificate dated 12.06.2024 issued from Komalapuram Village office. Exts.A4 and A4(a) are the land tax receipts dated 28.11.2022 and 14.05.2024 respectively issued from Komalapuram Village office. Ext.A5 is the copy of partition deed No.1471/1096 ME. During cross examination she stated that the plaint schedule property is to an extent of 14.75 ares. She further stated that there are two houses in the plaint schedule property. She denied that an oral partition took place on 01.02.1992. She denied that the property belonging to Vijayamma is having fencing around 4 boundaries. She ascertained that the property belongs to her grandmother and it has never been partitioned. It was further suggested that she has obtained financial aid from Grama Panchayath for constructing the house. She pleaded ignorance. It was also suggested that she has given document at Grama panchayath stating that she is the owner of the house. She further pleaded ignorance. According to her, her husband has given information about the property. She is residing there for the past 32 years. The house was constructed by spending their own self owned money. The document dated 04.03.1993 was handed over to the witness. She could not identify the signatory of the document. The question was suggested as to whether she is having dispute regarding the document executed by Sivaraman

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in favour of some other persons. She answered that Sivaraman was not the owner of any property. So he could not execute any agreement with regard to the said property. She added that Sivaraman has put up fencing around the property. She further ascertained that it she who is paying land tax. She also denied that Sukumaran is having any exclusive right over property.

9. PW2 is the Sub Registrar of Alappuzha SRO. He identified Ext.A1 document which was obtained by Right to Information Act. He further stated that it is written as Chitty Panayadharam. While being cross examined, he stated that Ext.A5 is an udampadi adharam. As per Ext.A1 it is Chitty panayadharam.

10. The 10<sup>th</sup> plaintiff was examined as PW3. He filed proof affidavit in support to the pleadings in the plaint. While being cross examined, he stated that he is presently residing in the property belonging to Padmanabhan. It is to an extent of 26 ½ cents. When a question was raised as to the ownership of the property by Deepankuran he answered that he is not in ownership of any property. He has put up fencing around some portion of property and there is an old house therein. Agreement dated 04.03.1993 was handed over to the witness. He denied that his father Sivaraman has affixed signature. He further stated that his father was not having any property to transfer to Deepankuran. It is suggested by the learned counsel by the defendant that S.Valu who is the president of – grama panchayath has prepared an agreement in a bond paper. Father of this witness received Rs.8,500 and gave 4 ½ cents of property of Deepanguran. He denied. He also denied that an oral partition took place on 04.03.1993.

11. PW4 who is the advocate commissioner. She prepared mahazar,

sketch and photograph. It was marked as Exts.C1, C1(a) and C1(b). During cross examination, a question was raised as to whether she is having any knowledge to determine the age of the tree. She answered in affirmative. She also testified about the age of the fencing pillars put up in the property.

12. The 1<sup>st</sup> defendant mounted the box and was examined as DW1. He reiterating his contentions in the written statement. Exts.B1 to B3 were marked. Ext.B1 is the agreement dated 04.03.1993. Ext.B2 series are the building tax receipts. Ext.B3 is the document marked as subject to proof as the father of the witness is a signatory of the document. During cross examination, he stated that Kunjipennu was having seven children. All other except Chellamma and Sadanandan died. He testified that the plaintiffs are having no right over the property. He admitted that all the seven children of Kunjipennu is having equal rights over the property. He does not know for how much extent tax is being paid. He admitted that he has never paid land tax. He is having no records regarding the property. He admitted that Baiju , the husband of the 1<sup>st</sup> plaintiff is having right over the property. He further admitted that there had been partition deed in the year 1969 regarding his father's property. It was suggested that the signature seen in Ext.B1 as that Sivaraman is not the signature of Sivaraman. He denied. It was also suggested that the agreement is prepared for snatching the property of Sivaraman. He denied. During cross examination, he stated that Chellamma is residing with Sadanandan.

13. DW2 was the prior ward member of Aryad Grama Panchayath. He filed proof affidavit stating that he knows the plaintiffs and the defendants. He also knows about the oral partition on 01.02.1992. It is further stated in the affidavit that to the north – eastern side by the road 4 ½ cents of property is given to Vijayamma, to the southern side 5 cents is given to Chellamma, to the

western side of the said property 4 cents is given to Sadanandan and to further western side 6 cents of property given to Sumathi. To the northern side 4 cents of property is given to Sugathan and to north western corner 4 ¼ cents of property is given to Sivaraman. Towards eastern side 9 ½ cents of property was given to Sukumaran. He has further stated that on 04.03.1993 Sivaraman given the property to Deepankuran in his presence and S.Valu had prepared the agreement. Sivaraman received Rs.8,500/- and signed the document. During cross examination, he stated that he came to court as per the instruction of the lawyer. He is the follower of same political party as that of the lawyer. He pleaded ignorance as to who had given instruction to prepare the affidavit .Later he corrected his version and testified that he knows the facts stated in the affidavit. According to the witness he acted as mediator for the oral partition. As per his contention that Sivaraman requested him to partitioned property. He was not having proper explanation as to how he not a signatory to the document.

14. DW3 is the person who claims to be working as labourer in the area. He filed proof affidavit in lieu of examination in chief. In his affidavit he stated that from his 18<sup>th</sup> year, Deepankuran who was a Coir labourer was working with his father. He had been working in the property of Sukumaran who is the father of Deepankuran. He regularly maintained fencing of the property belonging to Deepankuran. During cross examination, he stated that Deepankuran requested him to give testimony regarding the matter, he is aware of. When a question was put fourth regarding extent of property belonging to Deepankuran he answered that Deepankuran has informed him about the extent of property.

15. DW4 was the clerk of Mannanchery Grama Panchayath. He filed

proof affidavit stating that he was working as LD Clerk of Mannanchery Grama Panchayath and return in the year 2022. He worked with S.Velu. S.Velu is his relative. He knows the signature and hand writing of S.Velu. Ext.B1 was handed over. He stated that it is written by S.Velu and S.Velu has signed the document. During cross examination, he stated that he saw Ext.B1 on the previous day at the office of the lawyer. He reached super annuation in the year 2002. When question was raised as to the year in which Velu died he answered it was 6 years before. A question was suggested as to S.Velu died 36 years before. He pleaded ignorance. It was further suggested that S.Velu was the Panchayath President in the year 1974. He replied that he was not in service during that time. He added that he worked with S.Velu in the year 1984. A question was further suggested that S.Velu was the President only during 1973 – 74. He answered that S.Velu was the president in the year 1984. It was suggested that he is not accustomed with the hand writing of S.Velu and he is falsely giving testimony in favour of the defendants. He denied.

16. The learned counsel for the plaintiff argued that the plaintiffs and defendants are the legal heirs of late Kunjipennu who was in possession of 14.70 ares of land comprised in Re.sy.No.399/5 Block No.7 of Komalapuram Village. It is described in plaint schedule. It was obtained by Kunjipennu as per partition deed No.1471/1096 ME of SRO, Mararikulam. It was marked as Ext.A5. The family membership certificate was marked as Ext.A3. The learned counsel for the plaintiff argued that no partition have been taken place after the death of Kunjipennu and so the entire property is in ownership and possession of the co owners. It is to be partitioned and respective shares are to be allotted. The learned counsel for the defendants No. 1 and 2 argued that an oral partition took place after the death of Kunjipennu. Before the said oral partition the property of late Padhmanabhan who was the husband of

Kunjipennu was already partitioned. This was also considered during oral partition. After the oral partition the first defendant purchased 4 ½ cents of property from Sivaraman on 04.03.1993 for Rs. 8500/-. So the parties are in possession of respective shares. The plaintiffs have no right to partition. Hence the suit is liable to be dismissed.

17. Heard both sides.

18. I perused plaint, written statement and evidence tendered by both sides. The relationship between the parties is not challenged. The plaintiffs are seeking share according to the provisions of Hindu Succession Act. Plaintiffs No. 1 to 6 are jointly claiming 1/7 share in the plaint schedule property and 7<sup>th</sup> and 8<sup>th</sup> plaintiffs are together claiming 1/7<sup>th</sup> share in the plaint schedule property. 9<sup>th</sup> plaintiff is claiming 1/7<sup>th</sup> share in the plaint schedule property. 10<sup>th</sup> plaintiff is claiming 1/4<sup>th</sup> share in the 1/7<sup>th</sup> share of the plaint schedule property. The defendants 4 to 11 remained absent and were set exparte. Only contesting defendants are defendants No.1 to 3. 10<sup>th</sup> plaintiff and defendants No. 7 to 9 are the children of late Sivaraman who is the deceased son of late Kunjipennu. Defendants No. 1 to 3 are the children of late Vijayamma. All of them remained absent and set exparte, except defendants No. 1 to 3 who are challenging partition. The relation between the parties and title of Kunjipennu stands undisputed. PW3 is the son of late Sivaraman from whom the first defendant claims to have purchased the property. He has categorically denied that his father has executed any document as stated in the written statement. During cross examination the learned counsel for the defendants had tried to confront an agreement dated 04.03.1993 alleging that it was signed by Sivaraman who was the father of PW3 in favour of Deepankuran, the first defendant. He denied the signature which was suggested to be affixed by

Sivaraman. The learned counsel has also tried to established that Deepankuran has entered into possession of certain area as a result of the oral partition. The witness denied. The Advocate commissioner who was examined as PW4 stated before the court that she has not seen any document to establish the possession of the property by the parties. She could not state as to the extent of property or the property in possession of any party. The defence counsel herself has challenged and disputed the report regarding the fencing and age of the trees as stated by PW4. Ext.B1 is an agreement alleged to have been executed by Sivaraman. But the signature is denied by PW3 his son. Even though the defendant tried to established that the person who has written the document is no more, no documentary evidence is tendered and no steps is taken for ascertaining the same. The Building Tax receipt of building No. AGP II/176 dated 24.04.2000 and 25.02.2010 in favour of Sukumaran was marked as Exts.B2 and B2(a ). But it is not evident from said documents as to where the said building is situated. No new tax receipt is produced. DW2 is a prior ward member of Arya Grama Panchayat. He filed proof affidavit supporting the first defendant. Even though he claims to be a witness to Ext.B1. He is not a signatory thereto. During cross examination he stated that he was instructed by the lawyer to give testimony. It could not be established by the defendant that he is acquainted with the signature of S. Velu. DW3 is a cooli and he claims to work in the property of the first defendant. He claims to have been cultivating in the property. He contributed nothing positively to the evidence. DW4 claims to be an LD Clerk retired from Mannanchery Grama Panchayath and acquainted with hand writing of S.Velu. He is also not a summoned witness. During cross examination, he submitted that he saw Ext.B1 at the office of the lawyer. His testimony is also not reliable. Even though he claims to be a close acquaintance of S. Velu he could not even state as to when S. Velu died and when he worked along with Sri. S. Velu. Even though 1<sup>st</sup> to 3<sup>rd</sup>

defendants claim that there was an oral partition ,defendants four to eleven remained absent and did not contest the matter. So it is evident that they are in support of partition. Further more land tax is still paid in the name of Kunjipennu. It is pertinent to note that even though defendants 1 to 3 claim that there occurred an oral partition in the year 1992, none of the parties has taken any attempt to mutate the property in their favour even after 31 years. In *Rajendhiran v. Muthaiammal @ Muthayee* 2025 KHC 6356 our Hon'ble Supreme Court held that "Whether an oral partition can be proved base on document relating to different properties and whether a claim of ownership based on oral partition can be sustained when documentary evidence established joint ownership. Held two sale deeds relate different properties not survey number in question, the suit property was never recorded in the name of the plaintiff, and Patta filed established that survey number in question had been allotted in the name of plaintiffs No.1 and 8 others jointly with respect to which there was no partition".In the case at hand the title deed and revenue records are supporting the case of the plaintiffs. Defendants 4 to 11 are also supporting partition. Defendants 1 to 3 has not adduced cogent evidence to rebut the evidence of the plaintiff. Considering all the above facts I am inclined to allow the relief as prayed for. Hence the issues are found in favour of the the plaintiffs.

19. **Issue No.3:-** In the result, the suit is decreed and a preliminary decree is passed on the following lines:-

1. Plaintiffs No.1 to 10 are entitled to get the plaint schedule property partitioned separate possession by metes and bounds and to get allotted with the share there in. It is declared that the plaintiffs No.1 to 6 are jointly entitled to

1/7th share, the plaintiffs No.7 and 8 are entitled to 1/7th share each, the 9<sup>th</sup> plaintiff is entitled to 1/7th share, the 10 plaintiff is entitled to ¼ th share of the 1/7th share, the defendants No.1 to 3 and additional defendant No.11 are entitled to 1/7th share, the defendants No.4 to 6 are entitled to 1/7th share, the defendants No.7 to 9 are entitled to ¾ th share of 1/7th share in the plaint scheduled property.

2. Parties are directed to bear their own costs of proceedings.
3. In the light of the decision of the Hon'ble Supreme Court in Shub Karan Bubna V.Sita Saran Bubna and others, (2009)9 SCC 689, Final decree Proceedings is initiated.

Dictated to the Confidential Asst. transcribed and typed by her, corrected by me and pronounced in open court today this the 28<sup>th</sup> day of March, 2026.)

Sd/-

**REKHA LAURIAN**  
**SUB JUDGE**

**Appendix:-**

**Witness for the Plaintiff:-**

PW1	01.11.2025	Lekha Baiju
PW2	26.11.2025	Muhammed Seev
PW3	05.01.2026	Padma Prasad
PW4	09.01.2026	Jayabhadra.J

**Exhibits for the plaintiff:-**

A1	01.02.2023	Letter issued from Sub Registrar, Alappuzha
A2	02.04.2023	Death Certificate issued from Aryadu Grama Panchayath
A3	12.06.2024	Family Membership Certificate issued from Komalapuram Village Office

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A4	28.11.2022	Tax receipt
A4(a)	14.05.2024	Tax receipt
A5	Kumbham 7 1196/ME	Photo Copy of partition deed No. 1471/1096 ME
A6	Kumbham 7 1196/ME	Certified copy Partition deed No. 1471/1096 ME

**Exhibits for the defendants:-**

B1	04.03.93	Vilacheet
B2	24.04.2000	Building tax receipt
B2(a)	25.02.2010	Building tax receipt
B3	08.06.1966	Kaivasapanayadharam

**Witness for the defendants:-**

DW1	22.01.2026	Deepaguran
DW2	27.01.2026	Salim M.D
DW3	27.01.2026	Priyadarsan
DW4	30.01.2026	K.Raman

**Court Exhibits**

C1	08.11.2023	Commission report
C1(a)	08.11.2023	Rough Sketch
C1(b)	08.11.2023	Photos(4 numbers)

Id/-  
**SUB JUDGE**