

**IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha K Bhadran, Munsiff
Friday, 27th March, 2026/6th Chaithram, 1948**

FDA 13/2022 IN OS 22/2021

(Filed on 20.01.2021)

Petitioner: Shaji A, aged 46 years,
S/o.Late Asanarukunju, Kuruvikkadu Veedu,
Pothappally North Muri, Kumarapuram P.O,
Haripad.

(By Adv. M. Thaha)

Respondents: 1. Sharafudheen A, aged 62 years,
S/o. Late Asanarukunju, Kuruvikkadu Veedu,
Pothappally North Muri, Kumarapuram P.O,
Haripad.
2. Kamarudheen, aged 61 years,
S/o. Late Asanarukunju, Nafeen Cottage,
T.P. Centre, Mannarasala P.O, Haripad.
3. Salih. A, aged 56 years,
S/o. Late Asanarukunju,
Kuruvikkadu Veedu, Pothappally North Muri,
Kumarapuram P.O, Haripad.

(R1 and R2 by Adv. S. Noushad, R3 Ex-parte)

This petition having been finally heard on 19.03.2026 and the court on 27.03.2026 passed the following:

ORDER

Application filed by plaintiff for passing a final decree.

2. This court has passed a preliminary decree vide judgment in O.S.22/2021 dated 31.08.2022 on the following terms:-

1. Plaint 'A' schedule property is found partiable and ordered to be divided into four equal parts by metes and bounds.

2. Plaintiff and defendants are entitled for 1/4th share each over plaint 'A' schedule property.
3. Plaintiff and defendants are entitled to be put in separate possession of their respective shares in plaint 'A' schedule property.
4. Plaintiff and defendants are entitled to realise 1/4th share each over the rent arising from plaint 'A' schedule property, which shall be ascertained during final decree stage.
5. Parties are directed to file final decree application for passing final decree within one month from today, failing which the decree will be consigned to the record section.
6. The costs of the suit shall bear out of the estate.

3. As per the preliminary decree, parties are entitled for 1/4th share over the rent arising from plaint A schedule property which is to be ascertained during final decree stage. Petitioner, first and second respondents filed affidavit stating that they are not pressing the right to get 1/4th share from plaint A schedule property. In light of the above undertaking, I am not inclined to consider the aspect of rent in the above proceedings.

4. The petitioner has taken out a commission to partition the property as per the preliminary decree. In the commission report, it is reported that the commissioner measured the

properties on 15.02.2023 with the assistance of a competent surveyor and he prepared a report and plan. Advocate commissioner had allocated plaint A schedule property as per the preliminary decree. The property was measured after notice to parties. No objection is filed to the commission report by the parties. Advocate commissioner had filed additional report after ascertaining the value of the building in plaint A schedule property with the assistance of a competent Engineer. On perusal of the commission reports and other materials available on record, I find nothing to interfere with the same and therefore, commission report and plan are accepted in evidence. Plaintiff, first and second respondents have remitted the court fees sufficient to allot their shares and therefore, they are entitled to get a final decree in consonance with the preliminary decree so passed. Third respondent failed to appear. The commission report and plan prepared and filed on 05.12.2023 are marked as Exts.C1 and C1(a) respectively.

In the result, final decree is passed as follows :-

- 1) The plot in plaint A schedule property marked as 'EFGHE' in Ext.C1(a) plan having an extent of 02.67 Ares comprised in Survey No.376/17 in Block No.9 of Kumarapuram Village is allotted to petitioner.
- 2) The plot in plaint A schedule property marked as 'CJKLMC' in Ext.C1(a) plan having an extent of 02.67 Ares comprised in Survey No.376/17 in Block No.9 of

- Kumarapuram Village is allotted to first respondent.
3. The plot in plaint A schedule property marked as 'CDIJC' in Ext.C1(a) plan having an extent of 02.68 Ares comprised in Survey No.376/17 in Block No.9 of Kumarapuram Village is allotted to second respondent.
 - 4) Ext.C1 commission report and Ext.C1(a) plan shall form part of the final decree.
 - 5) Petitioner, first and second respondents are directed to take steps for engrossing the final decree in non judicial stamp paper of requisite value.
 - 6) No order as to costs.

Dictated to my confidential assistant, typed by her, corrected and pronounced by me in the open court on the 27th day of March, 2026

Sd/-
Maneesha K Bhadran
Munsiff

APPENDIX:

Court Exhibits:-

C1	24.11.2023	Commission report prepared by Advocate Commissioner R. Kiran Kumar.
C1(a)	20.03.2023	Survey plan prepared by Nabeesath Beevi Panel Surveyor .

Id/-
Munsiff