

**IN THE COURT OF THE MUNSIFF, HARIPAD.  
Present: Smt. Maneesha K Bhadran, Munsiff  
Saturday, 21<sup>st</sup> March, 2026/30<sup>th</sup> Phalgunam, 1947  
OS. No.300/2022**

(Filed on 26.09.2022)

**Plaintiff:-**

Sudharma.J, Aged 55 years,  
W/o Ashok Kumar,  
Kochuparambil Kizhakkathil.  
Kizhakkekkara North Muri,  
Thrikkunnappuzha Village.

**By Adv. M. Ibrahimkutty**

**Defendants:-**

1. Sathiyamma.J, aged 68 years,  
W/o Akshyakumar,  
Puthenpurayil, Kizhakkekkara North Muri,  
Valiyaparambu .P.O, Thrikkunnappuzha Village.
2. Mohanan.K, Aged 66 years,  
S/o Kochu Nanu, Sajeesh Bhavanam,  
Kizhakkekkara North Muri,  
Valiyaparambu .P.O, Thrikkunnappuzha Village
3. Soman.K, aged 63 years,  
S/o Kochu Nanu, Kochuparambil,  
Kizhakkekkara North Muri,  
Valiyaparambu .P.O, Thrikkunnappuzha Village
4. Vijayama. J, aged 59 years,  
W/o Chandrasekharan,Kochupurackal Veettil,  
Erickavu Muri, Kumarapuram Village.
5. Sulekha.J, aged 51 years, W/o Udayakumar,  
Andolil Veettil, Pallana Muri, Thrikkunnappuzha

**D1,D2 ,D3,D4, & D5 By Adv. R. Aravindakshan**

This suit having been finally heard on 21.03.2026 and the court on the same day delivered the following:

**J U D G M E N T**

Suit for partition and permanent prohibitory injunction.

2. **Plaint averments in brief are as follows:-** Plaintiff and

defendants are the children of Kochunanu and Janamma, Kochuparambil House, Kizhakkekara North Muri, Thrikkunnappuzha Village. Plaintiff schedule item No.1 property was obtained by Kochunanu as the third item in partition deed No.5225/1958 of Karthikappally SRO. Plaintiff schedule item No.2 property was obtained by Janamma as per Gift deed No.80/1964 of Karthikappally SRO. Kochunanu and Janamma, the parents of the parties died intestate in 2010 and 2018 respectively. Pursuant to their death, plaintiff and defendants are the co-owners in joint possession of plaintiff schedule properties. Plaintiff is having 1/6 co-ownership right over plaintiff schedule properties and defendants are jointly having 5/6 co-ownership right over plaintiff schedule property. The repeated demands of plaintiff for partition went unheeded. Defendants are attempting to fell the standing trees in plaintiff schedule properties and commit waste therein. Hence the above suit for partition and permanent prohibited injunction restraining defendants from felling the standing trees therein and making any constructions without the concurrence of plaintiff.

**3. Defendants filed written statement on the following terms:-** The relationship between the parties is admitted. The extent of plaintiff schedule properties is not correct. Portion of plaintiff schedule properties is already conveyed. Defendants are ready for partitioning the remaining extent of plaintiff schedule properties

available and have remitted the requisite court fees. It is denied that plaintiff sought for partition of plaint schedule properties. The suit is without any bonafides.

4. The following issues arise for consideration :-

- 1) Whether plaint schedule properties are partible? If so, what are the shares the parties entitled to?
- 2) Whether the plaintiff is entitled for a decree of permanent prohibitory injunction as prayed for?
- 3) Reliefs and costs?

5. On the side of plaintiff, Exts.A1 to A4 were marked. No oral evidence was adduced from the side of plaintiff. No evidence was adduced from the side of defendants.

6. Heard the learned counsel for plaintiff and defendants.

7. **Issue Nos.1 and 2:-** There is no dispute as to the relationship between parties and the share of properties to which parties are entitled to. Ext.A1 is the certified copy of partition deed No.5225/1958 of Karthikappally SRO. Ext.A2 is the certified copy of gift deed No.80/1964 of Karthikappally SRO. Ext.A3 and A4 are the copies of tax receipts of plaint schedule properties.

8. The only dispute of defendants is with respect to the extent of plaint schedule properties. I am satisfied that the same can be adjudicated during final decree proceedings. The unchallenged

evidence of plaintiff would show that there is no dispute as to the claim made by plaintiff with respect to plaint schedule properties and the quantum of share. Parties are Hindus and are governed by Hindu Succession Act. Though plaintiff has sought for a permanent prohibitory injunction restraining defendants from committing any waste in plaint schedule properties, nothing is brought forth to substantiate the same. It is well settled that no amount of pleadings will replace evidence. Defendants are the co-owners in joint possession of plaint schedule properties and no injunction can be granted restraining them from enjoying the common property as co-owners. On perusing plaint and documents produced, I am satisfied that the plaint claim stands proved through the unchallenged evidence on record. Therefore, the plaintiff is rightly entitled to get a decree for partition. Plaintiff is entitled for 1/6 share over plaint schedule properties. Defendants are jointly entitled for 5/6 share over plaint schedule properties. Considering the facts of circumstances of the case and the relationship between the parties, they are directed to bear their respective costs. The above issues are answered accordingly.

**In the result,** the suit is decreed and a preliminary decree of partition is passed on the following terms.

- 1) Plaint schedule properties are ordered to be partitioned by metes and bounds into six equal shares.

- 2) Plaintiff is entitled for 1/6 share in plaint schedule properties.
- 3) Defendants are jointly entitled for 5/6 share in plaint schedule properties.
- 4) Considering the facts of circumstances of the case and the relationship between the parties, they are directed to bear their respective costs.

(Dictated to the Confidential Assistant, corrected and pronounced by me in open court, on this 21<sup>st</sup> day of March 2026)

Sd/-

**Maneesha K Bhadran**  
**Munsiff**

**APPENDIX:**

**Exhibits for the Plaintiff**

A1	23.12.1958	Certified copy of partition deed No. 5225/1958 of Karthikappally SRO.
A2	07.01.1964	Certified Copy of Gift deed No. 80/1964 of Karthikappally SRO.
A3	22.09.2022	Copy of tax receipt issued by Kumarapuram Village.
A4	12.02.1996	Copy of tax receipt issued by Thrikkunnappuzha Village.

Id/-

**Munsiff**