

IN THE COURT OF PRINCIPAL SUB JUDGE, NORTH PARAVUR

Present:- Sri.K. Santhosh Kumar, Principal Sub Judge.

Tuesday, the 12th day of December, 2023/ 21st Agrahayana, 1945

O.S No.114/2020

Plaintiff :-

Jose K.P, S/o.Late Paily, aged 53 years, Koyimmakkattu House, Manjummel P.O., Paravur Taluk, Ernakulam District.

By Adv. Rosy P.F

Defendants :-

1. Sri. Johnson K.P, S/o. Late Paily, aged 50 years, Koyimmakkattu House, Kottodimukku, Manjummel P.O., Paravur Taluk, Ernakulam District, Pin - 683 501.
2. Shibu K.P, S/o. Late Paily, aged 50 years, Koyimmakkattu House, Kottodimukku, Manjummel, Paravur Taluk, Ernakulam District, Pin - 683 501.
3. Shiju K.P, S/o. Late Paily, aged 48 years, Koyimmakkattu House, Kottodimukku, Manjummel, Paravur Taluk, Ernakulam District, Pin - 683 501.

By Adv. K.A. Ani Joseph

This suit having been finally heard on 22.11.2023 and the court on the 12.12.2023 delivered the the following:-

JUDGMENT

The plaintiff filed the suit for the relief of partition of the plaint 'A' and 'B' schedule landed properties. The defendants filed written statement with counter claim for the relief of partition.

2. The case of plaintiff, in brief, is as follows :- The father of both parties named deceased Paily obtained the plaint 'A' schedule property

consists of 7 cents by virtue of partition deed No. 4196/1988. The deceased mother of both parties named Reetha obtained the plaint 'B' schedule property consists of 02.81 Ares by virtue of sale deed No.4506/1986. The plaintiff pleaded that the deceased parents died intestate and both parties are entitled to get 1/4 each share in the plaint 'A' and 'B' schedule properties. According to the plaintiff, the 1st defendant is not ready for the partition of the plaint schedule properties. Hence the plaintiff prayed for a decree to partition the plaint 'A' and 'B' schedule properties for providing separate possession of his 1/4 each share in it. Plaintiff also prayed to allow the costs of the suit.

3. The defendants filed a joint written statement with counter claim for the relief of partition of the counter claim 'A' and 'B' schedule properties for providing their 1/4 each share in it. The defendants described the plaint 'B' schedule property as the counter claim 'A' schedule property. The defendants described the alleged movable properties of deceased mother as counter claim 'B' schedule property. The defendants admitted in the written statement and in their counter affidavit to the I.A. No. 06 of 2023 of plaintiff that the plaint 'A' and 'B' schedule properties are partible and the plaintiff is entitled to get 1/4 share as claimed in the suit. Considering the said admission of defendants, the suit of plaintiff, which includes the counter claim relief of defendants with respect to the

counter claim 'A' schedule property, can be preliminarily decreed as per Order 12 rule 6 of the Code of Civil Procedure. The counter claim relief of defendants with respect to the counter claim 'B' schedule movable properties can be separately considered in the suit. Hence the suit of plaintiff is preliminarily decreed as follows :-

- 1) The plaint 'A' schedule property shall be partitioned into four equal shares by metes and bounds and the plaintiff is entitled to get 1/4 portion of the said property as his share therein. The defendants are also entitled to get 1/4 each share in the plaint 'A' schedule property.
- 2) The plaint 'B' schedule property shall be partitioned into four equal shares by metes and bounds and the plaintiff is entitled to get 1/4 portion of the said property as his share therein. The defendants are also entitled to get 1/4 each share in the plaint 'B' schedule property.
- 3) Both parties are entitled to get 1/4 each share in the buildings in the plaint 'A' and 'B' schedule properties. The matter as to the allotment of the buildings and providing its shares to the parties can be considered during the final decree proceedings.

- 4) The relief of partition of counter claim 'B' schedule property can be separately considered in the suit.
- 5) Considering the uncontested nature of the dispute and the present stage of the suit, costs need not be ordered. Hence there is no order as to costs at this stage of the suit.
- 6) The suit of the plaintiff is listed to 05.01.2024 for taking steps under Order 20 rule 18 of the Code of Civil Procedure.

Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court, this the 12th day of December, 2023.

K.Santhosh Kumar,
Principal Sub Judge.

Appendix : Nil

Principal Sub Judge.

Typed by :
Comp by :