

IN THE COURT OF THE SUB JUDGE, MUVATTUPUZHA

Present:- Sri. Aravind B. Edayodi, Sub Judge

Wednesday, the 20th day of October, 2021/ 28th Aswina, 1943**O.S. 50/2020****Plaintiffs :-**

1. Shyla (Nurse), W/o Wilson porunnedom George @ George Varghese, aged 55 years, Porunnedom House, Peringazha Kara, Marady Village, Muvattupuzha Taluk, Perumballoor P.O PIN- 686 673. Represented by sister and power of attorney holder Elsy Thomas, W/o.Francis George, aged 62 years, Thekkekkara House, Perumbilichira Kara, Kumaramangalam Village, Thodupuzha Taluk, Idukki District PIN – 685 597
2. Daniel Varghese George (Minor), S/o. Wilson porunnedom George (George Varghese), aged 16 years, Porunnedom House, Peringazha Kara, Marady Village, Muvattupuzha Taluk, PIN- 686 673. Represented by guardian Elsy Thomas, aged 62 years, W/o.Francis George, Thekkekkara house, Perumbilychira Kara, Kumaramangalam Village, Thodupuzha Taluk, Kumaramangalam P.O, Idukki District, PIN : 685 597.

By Adv. Sri. Cletus Thottappilly

Respondents :-

1. Deepa Mary Xavier, D/o Wilson porunnedom George @ George Varghese, aged 29 years, Porunnedom House, Peringazha Kara, Marady Village, Muvattupuzha Taluk, Perumballoor P.O, PIN- 686 673.
2. Thomas @ Tomy, S/o. Wilson porunnedom George @ George Varghese, aged 27 years, Porunnedom House, Peringazha Kara, Marady Village, Muvattupuzha Taluk, Perumballoor P.O PIN- 686 673.

By Advs. M/s Beena Tony & Ajith L.A

This suit is filed under Order VII Rule 1 of CPC for partition of property.

This suit is coming on for final hearing on 13.10.2021, in the presence of counsels for both sides and having stood over for consideration to 20.10.2021, the court delivered the following :-

J U D G M E N T

Suit for partition.

2. Matter settled between the parties and compromise agreement executed between the parties. As per order in I.A. 5/2021, the minor (2nd plaintiff) was permitted to enter into compromise through his next friend, accepting the affidavit filed by 1st plaintiff, who is the mother of 2nd plaintiff minor stating that there shall be a charge upon property described in B,C,D schedule entitled to 1st plaintiff, in case of any future claim arose from the side of 2nd plaintiff minor. On the basis of the mediation agreement, suit is decreed as follows:

- 1) Plaintiffs and defendants admitted the Will executed by deceased George Varghese with No.77/2019 of SRO Thodupuzha, bequeathing properties in favour of plaintiffs as stated in the mediation agreement.
- 2) Parties agreed allotting the partible portion of property jointly entitled to 1st plaintiff and deceased George Varghese as per deed No. 1787/1998, in favour of 1st plaintiff and also allot E schedule deposit in favour of 1st plaintiff.

- 3) There shall be a charge upon the property allotted in favour of 1st plaintiff on the basis of compromise, for the future claim if any arose from 2nd plaintiff, who is the minor.
- 4) Each party shall bear their respective costs.
- 5) Compromise application (I.A.6/2021) and affidavit filed by 1st plaintiff shall form part of the decree.
- 6) Communicate the copy of compromise decree to Village Officer and SRO concerned.

Dictated to the Confidential Assistant, typed by her directly into computer, corrected by me and pronounced in the Open Court on this the 20th day of October, 2021.

Sd/-
Aravind B. Edyodi
Sub Judge

Appendix : NIL

Id/-
Sub Judge

Copied by : amj/-
Comp. By : svb/-

Judgment
in O.S. No. 52/2020
Dated: 20.10.2021