

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE - IV,
KOZHIKODE**

**Present:- Sri.Pradeep P, B.com, LLB., III Addl. Motor Accidents
Claim Tribunal/IV Addl. District Judge**

Tuesday, the 31st day of March 2026

APPEAL SUIT No.36/2022

Between:-

1. Kousu, aged 74 years, W/o Balan,
Kousthubam, Nangolath Thazhath,
Post Chevayur, Nellikode Amsom and Desom
of Kozhikode Taluk, Kozhikode – 673 017.
2. Ushakumari, 53 years,
D/o Balan, Kolattu House,
Velliparamba Amsom and Desom,
Valliparamba Post, Peruvayal, Kozhikode.
3. Pushpakumari, aged 50 years,
D/o Balan Melathil Paramb, Post Mayanad,
Mayanad Amsom and Desom,
Kozhikode Taluk – 673 611.
- 4 Jisha, aged 38 years, D/o Balan,
Mele Purakkal House, Civil Station,
Anamika Street,
Nedungottoor Amsom and Desom,
Kozhikode Taluk – 673 020.

Appellants

And:-

1. Suneesh Kumar, aged 46 years,
S/o Balan,
Nangolath Thazhath Post Chevayur,
Nellikode Amsom and Desom of Kozhikode
Taluk, Kozhikode – 673 017.
2. Ratheesh Kumar, aged 44 years,
S/o Balan,
Nangolath Tahzhath Post Chevayur,
Nellikode Amsom and Desom of Kozhikode

Respondents

Taluk, Kozhikode – 673 017.

On appeal against the order passed by the Sub Court II(A),
Kozhikode in OS No.32/2020 dated 17.11.2021 and made in:-

OS No.32/2020

Between:-

1. Kousu, aged 73 years, W/o Balan,
Kousthubam, Nangolath Tahzhath,
Post Chevayur, Nellikode Amsom and Desom
of Kozhikode Taluk, Kozhikode – 673 017.
2. Ushakumari, aged 52 years,
D/o Balan, Kolattu House,
Velliparamba Amsom and Desom,
Valliparamba Post, Peruvayal, Kozhikode.
3. Pushpakumari, aged 49 years,
D/o Balan Melathil Paramb, Post Mayanad,
Mayanad Amsom and Desom,
Kozhikode Taluk – 673 611.
4. Jisha, aged 37 years, D/o Balan,
Mele Purakkal House, Civil Station, Anamika
Street, Nedungottoor Amsom and Desom,
Kozhikode Taluk – 673 020.

Plaintiff

And:-

1. Suneesh Kumar, aged 45 years,
S/o Balan, Kousthubham,
Nangolath Thahzhath, Post Chevayur,
Nellikode Amsom and Desom of
Kozhikode Taluk, Kozhikode – 673 017.
2. Ratheesh Kumar, aged 43 years,
S/o Balan,
Nangolath Tahzhath Post Chevayur,
Nellikode Amsom and Desom of
Kozhikode Taluk, Kozhikode – 673 017.

Defendants

This appeal coming on this the 25th day of March, 2026 for final hearing before me in the presence of Sri.Manoj.N. advocate for Appellants. Sri. K.P. Gangadharan advocate for R1and R2 and having stood over to this day for consideration and the court delivered the following.

JUDGMENT

This is an appeal filed by the plaintiffs in OS 32/2020 under section 96 read with Order XLI Rule 1 against the judgment and decree of the Addl.Sub Judge-II, Kozhikode dated 17.11.2021.

2. On notice, the respondents appeared. During the pendency of the appeal, the matter was referred to mediation center.

3. Subsequently, they filed a joint statement stating that both sides conceded that Item No.2 of the plaint B Schedule, having an extent of 4 cents need not be partitioned as the same was a gifted property by father, Balan by document No.3621 of 2004 in favour of the defendants. Both sides also conceded that Item No.1 of the plaint schedule is a property in the joint possession and ownership of the plaintiffs and the defendants, and the same can be partitioned into 6 equal shares and the plaintiffs jointly are entitled to get 4 shares and the defendants jointly are entitled to get 2 shares. So, they requested to pass a decree by modifying the decree passed by the trial Court. On being satisfied that the parties settled the dispute amicably and legally, the joint statement is accepted and recorded. So, the appeal is liable to be allowed and

the decree is liable to be modified in accordance with the joint statement.

In the result,

The appeal is allowed and the decree is modified in view of the joint statement as follows:-

1. The plaint B schedule item No.2 is not partible.
2. The plaint B schedule item No.1 property shall be partitioned into 6 equal shares and the plaintiffs jointly are entitled to get 4 shares and the defendants jointly are entitled to get 2 shares each.
3. The joint statement forms part of the decree.
4. There is no order as to costs.
5. Parties shall appear before the trial court for final decree proceedings. 30.5.26

(Dictated to the Confidential Assistant, she typed directly on computer, corrected and pronounced by me in open Court on this the 31st day of March, 2026).

Addl. District Judge-IV

Witness & Exhibits on either sides :- Nil

Addl. District Judge-IV