

IN THE COURT OF THE ADDL. SUB JUDGE, KOLLAM
Present : Sri. E. Baiju, B.A., LL.M, Addl. Sub Judge, Kollam
13th Monday September 2010/22nd Bhadra, 1932

I.A. No. 2316/08 in OS. No. 72/2007

Between

Petitioner/Plaintiff Anulatha V,
Geetha Nivas, Kottkkakom Ward,
Kollam West Village, Now residing at Vadhyar Madam,
Thazhathengadi Post,
Kottayam Village, Kottayam Taluk

By Adv. Stevenson

And
Respondent/
Defendant Geetha Bai. V,
Geetha Nivas,
Kottakkakom Ward,
Kollam West Village.

In this petition coming before me for final hearing on 13-9-10 and on the same day the court passed the following.

ORDER

This application is filed to pass a final decree for partition in terms of the preliminary decree dated 19/12/2007.

As per the preliminary decree dated 19/12/07 this court ordered a meets and bounds partition of the plaint schedule property and allotted ½ share to the petitioner and the plaintiff was given liberty to apply for passing a final decree. Consequently the plaintiff applied for passing a final decree and a commission was also taken out

effecting for division of the property. The commissioner filed C1 report, C2 plan and C3 additional report. Neither the plaintiff nor the defendant filed any objection to commissioners report.

I have perused the Ext.C1 to C3. I am satisfied that the division effected by the commissioner is just and proper. I find no reason to make any amendment to the division proposed by the commissioner. The value of the entire property is fixed as Rs. 2,86,100/- and the plaintiff is allotted $\frac{1}{2}$ share of the plaint schedule property and the portion of the building and the toilet in that portion. The value of plaintiff's share is fixed as Rs. 1,42,550/- . The defendants share will come to Rs. 1,43,550/- Rs. 500/- will be given by the defendant to the plaintiff as owelty for equalization of sharers.

In the result, the application is allowed and a final decree is passed as follows:-

- a) The plaintiff is allotted the western plot shown in Ext.C2 plan having an extent of 1.005 ares comprised in resurvey 22 in block 206 of Kollam west village with the portion of building in it. The value of plaintiff's share is fixed at Rs. 1,42,550/-.
- b) The defendant is allotted the other portion in Ext.C2 plan having an extent of 1.005 ares and the value of defendants share is fixed of Rs. 1,43,550/-.
- c)The defendant will give Rs.500/- to the plaintiff as owelty.
- d)The parties will produce necessary stamp papers to engrossion a final decree in the value of shares. If any party fails to produce the stamp paper as directed, the other party shall produced the stamp paper for the full value of the sharers and in such a case, the party who produces the stamp paper is entitled to realise from the defaulting

party the excess amount paid.

d)Ext.C2 plan will form part of the decree.

e) The parties will bear their costs themselves.

Dictated to the C.A. transcribed and typed by her, corrected by me and pronounced in open court on this the 13th day of September, 2010.

Sd/-
E. Baiju,
Addl. Sub Judge

APPENDIX

Nil

Id/-
Addl.Sub Judge

//True Copy//

E. Baiju,
Addl. Sub Judge.

Typed by : Mary Bindu.C
Compared by :