

IN THE COURT OF THE MUNSIFF, KOLLAM.

Present : Smt. Ragi.S., Principal Munsiff.

On Monday, the 29th day of September, 2025/ 07th day of Aswina, 1947.

OS. No. 166/2018

Between

Plaintiffs:-

1. Sreelekha, aged 63 years, D/o Indira, Sreyas, Anakulangara, Koilandi, Kozhikkodu.
2. P.Sreekala, aged 55 years, D/o Indira, Karthika Punnathala, Thirumullavarm P.O, Kollam West Village, Kollam.

By Advs. S.R Prsanth & K.R Rajeev Krishnan

And

Defendants:-

1. N. Indira, W/o Late Padmakaran, Sreekulam, Perinadu P.O, Thrikkadavoor Village, Kollam.
2. P.S Ajayakumar, aged 58 years, S/o Late Padmakaran, Sreekulam, Perinadu P.O, Thrikkadavoor Village, Kollam.
3. P.S Jayadeep, aged 51 years, S/o Late Padmakaran, Sreekulam, Perinadu P.O, Thrikkadavoor Village, Kollam.

By Adv. C.G. Suresh Kumar

This suit is filed by the plaintiff u/s 26 Order IV and VII Rule 1 of the Code of Civil Procedure for partition and for permanent prohibitory injunction. This suit is coming on for final hearing before me on 27/09/2025 and the court on 29/09/2025 delivered the following :-

JUDGMENT

Suit for partition and for permanent prohibitory injunction.

2. **Plaint averments, in brief, are as follows:-** The plaintiffs and the 2nd and 3rd defendants are siblings and are the children of the 1st defendant. The plaintiffs and defendants are the sole legal heirs of deceased Padmakaran, who died intestate on

30/06/2009, as the mother of late Padmakaran predeceased him. The plaintiffs and defendants are the followers of the Hindu religion and the Hindu Succession Act is applicable to them. At the time of death, the plaintiff's father was in title and possession of plaint A, B and C schedule properties. Plaint A schedule has an extent of 05.45 ares, comprised in resurvey No. 83/5 of resurvey block No. 3 of old survey No. 4610/8 of Thrikkadavoor Village, as per partition deed No. 1395/1960 of Kollam SRO. The plaint A schedule property consist of two residential buildings and five shop rooms. The 1st and 2nd defendants are now occupying one of the buildings, and the 3rd defendant has occupied the other residential building. Besides, the 3rd defendant has also leased out the five shop rooms for a monthly rent of Rs. 12,500/- and he is collecting rent from the tenants, without apportioning the same among the legal heirs. He is usurping the rent and utilizing it for his own needs.

3. Plaint B schedule has an extent of 12.95 ares, comprised in resurvey block No. 4 of resurvey No. 527/10 of old survey No. 2539 of Thrikkadavoor Village of Njarakkal Cherry, as per sale deed No. 1345/1972 of Kollam SRO. The deceased Padmakaran was also in ownership of plaint C schedule property, having an extent of 22.48 ares, comprised in resurvey block No. 13 of resurvey No.235/2 in survey No. 5753 of Panayam Village, Panayam Cherry, as per sale deed Nos. 3919/1995 and 2610/1964 and partition deed Nos. 1918/1953 and 876/1122 of Kollam SRO. The plaint schedule properties are now in common possession and enjoyment of all the legal heirs of the deceased. The mother and the younger daughter of the deceased had predeceased him, and the younger daughter had no issues.

4. After the death of their father, the plaintiffs on several occasions demanded partition of the plaint schedule properties, but the defendants were not amenable to the same. The plaintiffs and defendants have equal rights over the plaint A, B and C schedule properties, and hence each is entitled to a $1/5^{\text{th}}$ share over the said properties. However, the defendants are attempting to deny the plaintiffs' due share with the sole intention of creating false documents concerning the plaint schedule properties in order to defeat the plaintiffs' rights.

5. The plaintiffs, along with the 3rd defendant, had earlier filed OS No. 132/2012 for partition of the plaint schedule properties before the Sub Court, Kollam. The suit was withdrawn with liberty to file a fresh suit. Plaintiffs now seek equitable partition of the plaint schedule properties by metes and bounds. The defendants are unwilling to effect partition. The plaintiffs have no other remedy except to approach this court. The 3rd defendant has cut and removed valuable trees from the plaint B and C schedule properties, thereby reducing their value and utility. The 3rd defendant has also threatened to create documents regarding the plaint schedule properties.

6. Hence, this suit is filed seeking a preliminary decree for partition of the plaint schedule properties by metes and bounds in an equitable manner and to allot to each plaintiff their due $1/5^{\text{th}}$ share over the properties, and thereafter to pass a final decree after ascertaining the value of the land, buildings, and trees by appointing a commissioner for the purpose, and to give separate possession of the $1/5^{\text{th}}$ share over the plaint schedule properties to each party. Further, the plaintiffs seek to pass a decree of permanent prohibitory injunction restraining the defendants from alienating

the lie and location of the plaint schedule properties, from committing any kind of waste or damage therein, from cutting and removing valuable trees from the plaint schedule, from creating any kind of charge, encumbrance, or liabilities over the scheduled properties, and from creating any documents based on the plaint schedule properties till the date of passing final decree, with costs.

7. The defendants 1 and 2 jointly filed a written statement along with a counterclaim, and the contentions therein, in brief, are as follows: It is admitted that the plaintiffs and defendants 2 and 3 are the children of the 1st defendant and late Padmakaran. The plaintiffs and the defendants are governed by the Hindu Succession Act in respect of intestate succession. It is also admitted that the plaint A, B and C schedule properties belonged to late Padmakaran, and after his death, it devolved upon the plaintiffs and the defendants. While the plaintiffs and defendants are in possession of plaint schedule properties, the 1st defendant executed Release Deed No. 1368/2011 of Anchalumood SRO for valuable consideration infavour of the 2nd defendant whereby, she released all her rights over 3.64 ares of property, in A schedule, infavour of the 2nd defendant. Thus, the 2nd defendant got 2/5th share over the said 3.64 ares of property. The said property is hereinafter described as counterclaim schedule property. The family house is situated in the said property, and defendants 1 and 2 and the family of the 2nd defendant are residing in the said building. The family house is very old, and the defendants renovated it by spending a considerable amount of money. The remaining portion of A schedule property, excluding the counterclaim schedule property, is in the joint possession of the

plaintiffs and the defendants. The 1st defendant has no right over the counterclaim schedule property. Thus, the 2nd defendant got $\frac{2}{5}$ th share over the counterclaim schedule property and $\frac{1}{5}$ th share over the remaining portion of the A schedule property. Defendants 1 and 2 have no objection to partitioning the A schedule property in the aforesaid manner.

8. After the death of Padmakaran, the B and C schedule properties devolved upon the plaintiffs and defendants. These are partible among all. Defendants 1 and 2 have no objection to partition and claim a $\frac{1}{5}$ th share each. There are three buildings. The family house is in the counterclaim schedule property, where defendants 1 and 2 reside with their family. The 3rd defendant resides in the second two storied building. The third building is a two storied shop building with four rooms, leased out to tenants. The 2nd defendant collects Rs. 12,500/- as monthly rent but does not apportion the same among all the sharers. The 3rd defendant is illegally retaining the rent, which ought to be shared with the plaintiffs and defendants 1 and 2. The 2nd defendant is entitled $\frac{2}{5}$ th share in counterclaim schedule property and a $\frac{1}{5}$ th share in the remaining A schedule property. Defendants 1 and 2 are entitled to a $\frac{1}{5}$ th share each in B and C schedule properties. Hence, defendants 1 and 2 seek partition of A, B and C schedule properties and separate possession of their respective shares. It is not correct that the defendants are unwilling to partition the properties. Defendants 1 and 2 are ready and willing to partition. However, the plaintiffs, in collusion with the 3rd defendant, are delaying the matter. Moreover, the 3rd defendant has illegally sold valuable trees from B and C schedule properties. Hence, a counterclaim is filed to

pass a preliminary decree allowing $2/5^{\text{th}}$ share over the counterclaim schedule property to the 2^{nd} defendant and allowing $1/5^{\text{th}}$ share each in the remaining portion of A, B and C schedule properties to defendants 1 and 2. It is also prayed that $1/5^{\text{th}}$ share each can be allowed to defendants 1 and 2 from the rent collected by the 3^{rd} defendant. It is further prayed to pass a final decree in accordance with the preliminary decree and to pass a permanent prohibitory injunction restraining the plaintiffs and the 3^{rd} defendant from committing any waste in the plaint schedule property or from cutting and removing trees from the plaint A, B and C schedule properties, with costs. Hence, the counterclaim.

9. The 3^{rd} defendant filed a written statement contending that the plaintiffs have instituted the suit by suppressing material facts. There are four shop rooms attached to the front side of the house where the 3^{rd} defendant has been residing since the year 2003, and one of the shop rooms forms the part of the dwelling house. The building was constructed in the year 2002-2003, when the father of the plaintiff and 2^{nd} and 3^{rd} defendants was alive. The said building was constructed by the 3^{rd} defendant using her own funds, with the permission of his father. None of the plaintiffs or other defendants, except the 3^{rd} defendant, has any right whatsoever over the said building. The three shop rooms are being rented out by the 3^{rd} defendant, and one of the shop rooms forms part of the dwelling house. The 3^{rd} defendant alone has the exclusive right to collect rent from the tenants. Although the rent collected was paid to the 1^{st} defendant until her death, the allegation that the 3^{rd} defendant had cut and removed the valuable trees from plaint schedule B, C properties is false and baseless. It is false

that the 3rd defendant threatened the plaintiffs or intended to create documents with the purpose of denying the plaintiffs' rights.

10. OS No. 132/2012 filed before the Hon'ble Sub Court, Kollam was dismissed due to certain incurrent defects. The 3rd defendant had spend about Rs. 7 lakhs for the construction of the building in survey No. 83/5. The 3rd defendant and his family have been residing in the said building since 2003. The 3rd defendant is the exclusive owner of the aforesaid building. He is agreeable to effect partition of all properties belonging to the deceased father according to the metes and bounds. The plaintiffs have no prima facie case, and they are not entitled to the reliefs sought, and there is no cause of action in their favour. Hence, the 3rd defendant prayed for dismissal of the suit with costs.

11. The plaintiffs/counterclaim defendants filed a written statement to the counterclaim by admitting that the 1st defendant executed Release Deed No. 1368/2011 infavour of the 2nd defendant, thereby releasing her rights. However, the claim that the 2nd defendant thereby obtained a 2/5th share over the counterclaim property by virtue of the said release deed is false and denied. The alleged share allotment stated in the counterclaim is also false and denied. The claim that the 2nd defendant acquired a 2/5th share in the counterclaim schedule property and a 1/5th share in the remaining plaint schedule property is false and untenable. The counterclaim property forms part of plaint A schedule, having an extent of 5.45 ares. The release of the 1st defendant's right would only confer upon the 2nd defendant a 1/5th share in the counterclaim schedule property. The remaining property must be

equally divided among the plaintiffs and defendants. Other share allotments pleaded in the counterclaim are against fact and law, and hence unacceptable. The allegation in paragraph No.9 that the plaintiffs colluded with the 3rd defendant to protract the proceedings is false, baseless and denied. The reliefs sought in the counterclaim are wrong and unsustainable. The 2nd defendant is not entitled to a 2/5th share in the counterclaim schedule property and is only eligible for a 1/5th share in both the counterclaim schedule property and plaintiff A schedule property. Hence, the plaintiffs prayed for dismissal of the counterclaim.

12. During the pendency of the suit, the 1st defendant expired. The plaintiffs filed memo stating that plaintiffs 1 and 2 and the defendants 2 and 3 are the legal heirs of the deceased 1st defendant, and the same was recorded.

13. Based on the above rival contentions the following issues were raised for consideration:

1. Whether the plaintiff A, B and C schedule properties are partible? If so, the quantum of share?
2. Whether the plaintiffs are entitled to a decree of permanent prohibitory injunction as prayed for?
3. Whether the counterclaim plaintiffs/2nd defendant is entitled to get 2/5th share from the plaintiff A schedule as per release deed No. 1368/2011 and 1/5th share from the remaining A schedule as claimed?
4. Whether the counterclaim plaintiffs are entitled to a decree of permanent prohibitory injunction as prayed for?

5. Reliefs and cost?

14. During the trial, the 2nd plaintiff was examined as PW1 and Exts.A1 to A6 were marked. On the side of the defendants, Ext.B1 was marked. No oral evidence was adduced from the side of defendants 1 to 3.

15. Heard the learned counsel for the plaintiffs and the learned counsel for the defendants.

16. **Issue No's 1 to 4**: The plaintiffs instituted the suit seeking partition of the plaint schedule properties A, B, and C into their respective shares and for a decree of permanent prohibitory injunction. They contended that the properties originally belonging to their deceased father and that, after his death, the plaintiffs and defendants became co-owners in joint possession. The plaintiffs alleged that the 3rd defendant attempted to assert exclusive ownership and deny their legitimate rights over the properties by creating false documents and making unauthorized constructions. They further averred that the 3rd defendant had no exclusive right over any portion of the property and that all constructions and improvements were made from common family income and not from her personal funds. The plaintiffs also alleged that the 3rd defendant unlawfully collected rent from shop rooms situated in the plaint schedule property and failed to share the same with the other co-owners. Therefore, the plaintiffs sought partition and separate possession of their respective shares along with a decree restraining the defendants from alienating or encumbering the property.

17. According to 3rd defendant, there are four shop rooms attached to the front side of his residential building, which he has been occupying since 2003. He asserted that the building was constructed by him during 2002-2003 with his own funds and with the permission of his father, when he was alive. Hence, none of the plaintiffs or other defendants have any manner of right or claim over the said building. He further stated that three of the shop rooms were let out to tenants by him, and that he alone has exclusive right to collect rent. The allegation that he removed valuable trees or intended to create documents to defeat the plaintiffs' rights was denied as false and baseless.

18. The defendants 1 and 2 admitted that the plaintiffs and defendants 2 and 3 are the children of the 1st defendant and late Padmakaran, and that the parties are governed by the provisions of the Hindu Succession Act in matters of the intestate succession. It was also admitted that the plaintiff A, B, and C schedule properties originally belonged to late Padmakaran, and after his death, the properties devolved upon the plaintiffs and defendants as his legal heirs. According to them, while the plaintiffs and defendants are in joint possession of the plaintiff schedule properties, the 1st defendant executed Release Deed No. 1368/2011 of Anchalummoodu SRO in favour of the 2nd defendant for valuable consideration, thereby relinquishing his rights over 3.64 ares of property in plaintiff A schedule. Consequently, the 2nd defendant became entitled to a 2/5th share in the counterclaim schedule property and a 1/5th share in the remaining portion of plaintiff A schedule property. It was further contended that the family house is situated in the counterclaim schedule property, where

defendants 1 and 2 and the family of 2nd defendant reside. The building was renovated by the defendants after incurring substantial expenditure. The remaining portion of A schedule, excluding the counterclaim schedule property, continues to be in the joint possession of the plaintiffs and defendants. The defendants stated that there have no objection to partitioning the A schedule property in the aforesaid manner. After the death of Padmakaran, the B and C schedule properties also devolved upon all legal heirs, and defendants 1 and 2 expressed no objection to partitioning the same equally. Therefore, by way of counterclaim, defendants 1 and 2 sought a preliminary decree allowing the 2nd defendant 2/5th share in the counterclaim schedule property and a 1/5th share each to defendants 1 and 2 in the remaining A, B and C schedule properties. They further prayed for a final decree in accordance with the preliminary decree, for permanent prohibitory injunction restraining the plaintiffs and defendants from committing waste, cutting or removing trees from the plaintiff schedule property, and for the costs of the proceedings. In the written statement to the counterclaim, the plaintiffs, who are the counterclaim defendants admitting that the 1st defendant had executed Release Deed No. 1368/2011 in favour of the 2nd defendant, thereby relinquishing her rights over certain portions of the property. However, they specifically denied 2nd defendant's claim that, by virtue of the said Release Deed, she became entitled to a 2/5th share in the counterclaim schedule property. The plaintiffs contended that the alleged share allotment pleaded in the counterclaim is false, baseless, and unsustainable both in fact and law. According to the plaintiffs, the counterclaim property forms part of plaintiff A schedule, having an extent of 5.45 ares.

The Release Deed of the 1st defendant's rights would only transfer her 1/5th share to the 2nd defendant and not confer upon her any hire or disproportionate share. Therefore, the 2nd defendant's claim of a 2/5th share in the counterclaim schedule property and an additional 1/5th share in the remaining A schedule property was specifically denied. It was further contended that the remaining properties should be divided equally among all the plaintiffs and defendants, each being entitled to a 1/5th share.

19. Ext.A1 is the certified copy of partition deed No. 1395/1960 of Kollam SRO. As per Ext.A1, the deceased Padmakaran obtained the plaint A schedule property. Ext.A2, the certified copy of Sale Deed No. 1345/1972 of Kollam SRO, shows that the said Padmakaran purchased the B schedule property in the year 1972. As per Ext.A3, deed No. 3919/1995, A4 Sale Deed No. 2610/1964 and A5 Partition Deed Nos. 1918/1953 and 776/1122 of Kollam SRO, the C schedule property, having an extent of 22.48 ares, was obtained by the deceased Padmakaran. It is an admitted fact that the plaint schedule properties are in common possession and enjoyment of the plaintiffs and the defendants, except the counterclaim schedule property.

20. Ext.B1 is the copy of Release Deed No. 1368/2011 of Anchalummoodu SRO, which shows that the 1st defendant released and relinquished all her rights, title, and interest over 3.64 ares of property situated in plaint A schedule. Consequently, the 2nd defendant claimed that he became entitled to a 2/5th share in the counterclaim schedule property and an additional 1/5th share in the remaining portion of plaint A schedule. The property covered under the B1 Release Deed is described as part of

plaint A schedule and has been treated as the counterclaim schedule property by the 2nd defendant. It is stated that the family house is situated in this property, where defendants 1 and 2 and the family of the 2nd defendant reside. The 2nd defendant further contended that after such release, the 1st defendant ceased to have any right over the said property. The plaintiffs, however, admitted only the execution of the release deed but denied the extent of rights claimed by the 2nd defendant. They contended that the release could transfer only the 1/5th share originally held by the 1st defendant and that it did not confer any enlarged or exclusive ownership. Therefore, according to the plaintiffs, the 2nd defendant is entitled only to a 1/5th share in both the counterclaim schedule property and the plaint A schedule property, and not to the 2/5th share alleged in the counterclaim. In essence, while defendants 1 and 2 relied on the Release Deed No. 1368/2011 to justify the 2nd defendant's enhanced ownership and to claim partition accordingly, the plaintiffs disputed that interpretation, maintaining that the release did not alter the proportion of shares among the legal heirs and that all co-owners continue to be entitled to equal 1/5th share in the estate.

21. The 2nd plaintiff was examined as PW1. In her deposition, she stated that the family property measures 5.45 ares, which corresponds to the property described in the counterclaim schedule. Out of this, 3.64 ares of land and the building situated therein are included in the counterclaim schedule property. She further deposed that regarding the said property, she is unaware of the details of any release deed said to have been executed by their mother, though it is claimed that such a deed was executed. She asserted that the mother could have released only her own share, which

is $\frac{1}{5}^{\text{th}}$ of the total rights in the A schedule property. Thus, the 1st defendant, (mother) had only a $\frac{1}{5}^{\text{th}}$ share in the counterclaim schedule property, and accordingly, the 2nd defendant would claim only that much share under the release deed. In response to a question put forth by the counsel, PW1 clarified that the 2nd defendant could be entitled to a $\frac{2}{5}^{\text{th}}$ share only if such a portion was assigned by them, but they had not transferred any such additional share. She also deposed that the plaintiffs have no objection to the 1st defendant transferring her own share to the 2nd defendant. PW1 also gave evidence confirming that, after the death of the 1st defendant, the properties mentioned in the plaint schedule devolved equally among plaintiffs 1 and 2 and defendants 2 and 3, each having a $\frac{1}{4}^{\text{th}}$ share, and that there is no objection to effecting partition accordingly.

22. The 3rd defendant, in his written statement, contended that there are four shop rooms attached to the front side of her residence, where he has been living since 2003, and that one of the shop rooms forms part of the dwelling house. The building was constructed during 2002-2003, when the father of the plaintiffs and defendants was alive. It was built entirely by the 3rd defendant using his own funds, with his father's permission. Therefore, none of the plaintiffs or other defendants have any right, or title, or claim over the said building. He further stated that three shop rooms were rented out by her and that she alone has the exclusive right to collect rent from the tenants. Although the rent was being paid to the 1st defendant until her death, that arrangement was only as a matter of convenience and did not confer any ownership right of the 1st defendant. The 3rd defendant asserted that he had spent about Rs. 7

lakh for constructing the building situated in survey No. 83/5, and that he and his family have been residing there since 2003. He claimed to be the exclusive owner of the said building. However, he expressed his willingness to effect partition of all the remaining properties belonging to their deceased father according to their respective shares and the metes and bounds.

23. Except the aforesaid averments in his written statement, the 3rd defendant not adduced any evidence, either oral or documentary, to prove the fact that he had spend about Rs. 7 lakh for constructing the building situated in survey No. 83/5 and the four shop rooms attached to the front side of her residence were constructed exclusively using his own funds. PW1 in her cross examination, deposed that the house in which the 3rd defendant resides and the adjoining shop rooms were constructed by their father. At that time, their father was employed. It is not correct to say that in 2003, with the permission of the father, the 3rd defendant spent Rs. 7 lakh for the construction of the said residential building and shop rooms. No such permission was ever given. PW1 further stated that all the legal heirs have equal rights over the said house and the attached shop rooms. She also deposed that she has no knowledge as to whether the 3rd defendant had been paying the rent collected from the shop rooms regularly to the 1st defendant before her death. In reply to a question put by the counsel for the 3rd defendant, PW1 admitted that she has no objection to partitioning all the properties belonging to their late father equally among the plaintiffs and defendants 2 and 3, in accordance with their respective shares under law.

24. It is admitted that the plaint schedule properties belonged to the late Padmakaran and devolved upon his widow (1st defendant) and their children, namely, the plaintiffs and defendants 2 and 3, as legal heirs under the Hindu Succession Act. During the pendency of the suit, the 1st defendant died. Hence, each heir would be entitled to 1/4th share in the properties left behind. However, the execution of the Release Deed by the 1st defendant in favour of the 2nd defendant stands admitted. It is seen from Ext.B1 Release Deed that the 1st defendant had released and relinquished her 1/5th rights in favour of the 2nd defendant over 3.64 ares of property from the plaint A schedule. After the death of late. Padmakaran, the plaint A schedule property devolved upon the plaintiffs and defendants 1 to 3, each being entitled to 1/5th share. Therefore, the 1st defendant could release her 1/5th share in plaint A schedule property in favour of the 2nd defendant. Here the 1st defendant only relinquished her 1/5th right over 3.64 ares of property in plaint A schedule. Hence, by virtue of the said release, the 2nd defendant can be deemed to have acquired a 2/5th share in the counterclaim property and 1/4th share in the remaining property of plaint A schedule.

25. The 3rd defendant's assertion of exclusive ownership over the house and shop rooms is unsupported by acceptable evidence. The building was constructed during the lifetime of the father, who was the owner of the land. The alleged contribution of Rs. 7 lakhs by the 3rd defendant has not been proved by any reliable material. Therefore, the construction forms part of the common property, and the 3rd defendant cannot claim exclusive ownership. Since all parties are co-owners and partition is now decreed, the question of granting prohibitory injunction does not

survive except to the extent of restraining any party from cutting and removing valuable trees from the plaint schedule properties, from encumbering the property pending division by metes and bounds, and from committing any waste therein. Accordingly, it is found that the plaint A, B and C schedule properties are partible. The plaintiffs 1 and 2 and the 3rd defendant entitled to a 1/5th share each over the counterclaim schedule property and 1/4th share each over the remaining property in plaint A schedule. The second defendant is entitled 2/5th share over the counterclaim schedule and 1/4th share in the remaining of plaint A schedule. The plaintiffs 1 and 2 and the defendants 2 and 3 are entitled 1/4th share each over the plaint B and C schedule properties. Thus, issue Nos. 1 to 4 are found accordingly.

26. **Issue No.5:** In view of the findings on issue Nos. 1 to 4, a preliminary decree of partition in respect of plaint A, B and C schedule properties is passed as follows:

1. The plaint A schedule property is found to be partible by metes and bounds. The plaintiffs 1 and 2 and the 3rd defendant are entitled to 1/4th share each over the plaint A schedule (except the counterclaim schedule property) and 1/5th share each over the counterclaim schedule property. The 2nd defendant is entitled 2/5th share in the counterclaim schedule property and 1/4th share of the remaining plaint A schedule. The shares of the plaintiffs and the 2nd defendant shall be separated accordingly.
2. The plaint B schedule and C schedule properties shall be divided into four equal shares by metes and bounds. The plaintiffs 1 and 2 and the defendants 2 and 3 are entitled to 1/4th share each in plaint B and C

schedule properties, and the shares of the plaintiffs and the 2nd defendant shall be separated. The shares of 3rd defendant are not separated due to want of payment of court fee.

3. Costs shall come out of the estate.

For final decree proceedings call on 29/10/2025.

(Dictated to the C.A, transcribed and typed by her, corrected and pronounced by me in open court on this, the 29th day of September, 2025).

Ragi.S
Principal Munsiff.

Appendix:-

Exhibits marked from the side of the Plaintiffs:-

A1	23/03/1960	Certified copy of partition deed No.1395/1960 of Kollam SRO.
A2	20/03/1972	Certified copy of sale deed No. 1345/1972 of Kollam SRO.
A3	30/10/1995	Certified copy of Sale Cum release deed No. 3919/1995 of Kollam SRO.
A4	20/06/1964	Photocopy of sale deed No. 2610/1964 of Kollam SRO.
A5	29/04/1953	Photocopy of partition deed No. 1918/1/1953 of Kollam SRO,
A6		Certified copy of partition deed No.776/1122 of Kollam SRO.

Exhibits marked from the side of the Defendants:-

B1	24/06/2011	Photocopy of release No. 1368/2011.
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Witness Examined from the side of the Plaintiffs :-

PW1 14/03/2025 Sreekala.P

Witness Examined from the side of the Defendants:- Nil

Principal Munsiff.

Typed by : Minimol.V
Compared by : Sajeena. A.G