

IN THE COURT OF THE MUNSIFF'S, PUNALUR  
PRESENT :- Smt. Reshma R.S, Civil Judge (Junior Division)  
Thursday the 26<sup>th</sup> day of March, 2026/5<sup>th</sup> day of Chaithra, 1948.

**IA 04/2024 in FD 14/2025 in OS 199/2020**

**Between**

**Petitioners/**

**Plaintiffs**

- : 1. Omanayamma, W/o Rajan Pillai, Baiju Bhavan,  
Ayilara P.O, Ayilara Muri, Ayiranalloor Village,  
Punalur Taluk.
2. Anil Kumar, S/o Rajan Pillai, Baiju Bhavan,  
Ayilara P.O, Ayilara Muri, Ayiranalloor Village,  
Punalur Taluk.
3. Biju Pillai, S/o Rajan Pillai, Baiju Bhavan,  
Ayilara P.O, Ayilara Muri, Ayiranalloor Village,  
Punalur Taluk.

**(By Adv. S.R Amrit)**

**And**

**Respondent/**

**Defendant**

: Baiju R, S/o Rajappan Pillai, Manakkattu Veedu,  
R.S.P.O, Avaneeswaram Muri, Thalavoor Village,  
Pathanapuram Taluk.

This petition is coming on for final hearing before me on 16-03-2026 and stood over for consideration on 26-03-2026 and on the same day the Court passed the following.

**ORDER**

Final decree application filed by the plaintiffs in the suit.

2. **The application averments in brief are as follows:-** The applicants are the plaintiffs in the suit. The suit is filed for partition of plaint schedule property. The 1<sup>st</sup> plaintiff is entitled to get 5/8<sup>th</sup> share, 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs are entitled to get 1/8<sup>th</sup> share each in the plaint A, B and C schedule properties. The plaintiffs are entitled to get 1/4 share each in the plaint D

schedule property. The preliminary decree was passed on 29/06/2024. A final decree is to be passed in accordance with the preliminary decree. This application is filed to demarcate the shares of the applicant.

3. To facilitate the identification of plots in tune with the mandate of the preliminary decree passed in the suit, an advocate and a surveyor were deputed as commissioners to conduct a local investigation and to make suggestions regarding the partition. They had filed a report, mahazar, and survey plan. No objection was raised against the said report and plan. Hence, the same is accepted and is marked as court exhibits, Exts. C1 to C3.

4. Heard.

5. The following points are to be answered to deal with this application:

- 1) Whether the report, mahazar, and survey plan prepared by the advocate commissioner and surveyor be accepted, and a final decree passed based on them?
- 2) Reliefs and costs?

6. **Point No.1:** - As per the preliminary decree the 1<sup>st</sup> plaintiff is entitled to get 5/8 share, and the 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs are entitled to get 1/8<sup>th</sup> share each in the plaint A, B, and C schedule properties. The plaintiffs 1 to 3 are entitled to get 1/4 share each over the plaint D schedule property. The defendant is entitled to get 1/8<sup>th</sup> share over the plaint A to C schedule

properties, and the defendant is entitled to get  $\frac{1}{4}$  share in the plaint D schedule property. This court deputed an advocate commissioner and surveyor to effect partition of the property by metes and bounds in accordance with the preliminary decree. The advocate commissioner and the surveyor visited the property, prepared a plan, and submitted a report. Perused the report of the advocate commissioner, and I am also satisfied with the fact that it will do justice to the terms of the preliminary decree passed in this suit. Hence, the said report can be accepted, as there are no other disputes over its validity. The report was marked as Ext. C1, mahazar as Ext. C2, and plan as Ext. C3, respectively. Thus, this court is of the view that, based on Ext. C1 to C3, a final decree can be passed by this court.

7. In Ext. C1 to C3, the commissioner did not report the need for payment of any owelty amount by any party to the other for equalisation of the value of shares. Since none of the parties found any fault in that process, I am of the view that there is no need for any direction regarding the payment of owelty by any party to any other for the equalisation of shares. Thus, point No.1 is answered accordingly. Considering the relationship between the parties, the parties are directed to bear their respective shares.

8. **Point No.2:** - In light of the finding of point No.1, a final decree is passed in accordance with Ext. C1 to C3, as follows:

- a) The plot shown using letters “EFGHE” in the Ext. C3 plan is allotted to the 1<sup>st</sup> plaintiff.
- b) The plot shown using letters “JEHIJ” in the Ext. C3 plan is allotted to the 2<sup>nd</sup> plaintiff.
- c) The plot shown using letters “KJILK” in the Ext. C3 plan is allotted to the 3<sup>rd</sup> plaintiff.
- d) The plot shown using letters “MKLCM” in the Ext. C3 plan is allotted to the defendant.
- e) The parties are allowed to take separate and exclusive possession of their respective shares by metes and bounds, with recourse through the execution proceedings.
- f) Ext. C1 to C3 shall form part of the final decree.
- g) The parties are directed to remit the amount for purchasing stamp paper for engrossing the final decree within 3 months from today, failing which records shall be consigned to the record section.
- h) An authenticated copy of the same shall be forwarded to the Sub-Registrar concerned for their information and necessary action.
- i) The parties are directed to bear their respective costs.

Pronounced in open court on this, the 26<sup>th</sup> day of March, 2026.

Sd/-  
Civil Judge (Junior Division)

**Appendix****Court Exhibits**

C1	19-12-2025	Commission Report prepared by Advocate Commissioner K.K Surendran.
C2	22-11-2025	Mahazar prepared by Advocate Commissioner K.K Surendran.
C3	08-12-2025	Survey Plan prepared by B. Moniyamma, Surveyor (Retired), Survey and Land Records.

Id/-

Civil Judge (Junior Division)

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Typed by : Reeja Jasmine M.V

Compared by :

**CIVIL JUDGE (Junior Division)**