

IN THE COURT OF THE MUNSIFF OF TALIPARAMBA

Present: Smt.Athulya.A, Munsiff
Thursday, the 12th day of March, 2026
(21st Phalguna, 1947)

ORIGINAL SUIT NO.27 OF 2019

1. Bhargavi M.M., W/o.Late Balakrishnan M.M.,]
Aged 62 years, Manheri Manikkoth House,]
P.O.Naduvil, Taliparamba Via, Kannur- 670582.] Plaintiffs
2. Unnikrishnan M.M., S/o.Late Balakrishnan M.M.,]
Aged 27 years, Manheri Manikkoth House,]
P.O.Naduvil, Taliparamba Via, Kannur- 670582.]

Vs.

1. Usha. M.M. W/o.Narayanan P., Aged about 33]
years, Manheri Manikkoth House, P.O.Muyyam,]
Taliparamba Via, Kannur- 670142.] Defendants
2. Umesh M.M., S/o.Late Balakrishnan M.M.,]
Aged 32 years, Manheri Manikkoth House,]
P.O.Naduvil, Taliparamba Via, Kannur- 670582.]

This Suit coming on this day for hearing before me in the presence of Haridas Thaikkandy, Aiswarya A Haridas and Joji John, Advocates for the plaintiffs; of Jojo Thomas, Advocate for defendant No.1; Defendants name called absent and set exparte and Court delivered the following:

J U D G M E N T

Suit for partition.

2. The plaint averments briefly are as follows:- The plaint schedule property was earlier belonged to Thavarool puthiyedath Narayani Amma and her children on jenm. While so they assigned the property infavour of Manheri Manikkoth Balakrishnan as per Registered Jenm Deed No.2341/1986 of SRO Alakode. Thereafter on death of Manheri Manikkoth Balakrishnan,

his right over the plaint schedule property devolved up on his wife Bhargavi. M.M (Plaintiff No.1) and their children, Unnikrishnan M.M (Plaintiff No.2), Usha M.M (Defendant No.1), and Umesh M.M (Defendant No.2) as his legal heirs. As such the plaintiffs and defendants jointly got undivided 1/4 share of right over the plaint schedule property and they are holding the property as its co-owners. The plaintiffs are residing in the residential house situated in the plaint schedule property. The 2nd plaintiff has renovated the house building in the property by spending more than ₹3,00,000/- out of his own fund in the year 2015 with the prior knowledge and concurrence of the 1^a plaintiff and defendants on understanding and assurance that in the event of partition, the house will be allotted in the share of the 1st plaintiff without valuation. The plaintiffs have been possessing and enjoying the plaint schedule property with house building therein by paying land tax and building tax. The defendants are residing away from the plaint schedule property in their respective houses owned by them and the plaintiffs are not having any other house building as their own. Since the plaintiffs are presently residing in the house building situated in the plaint schedule property and the defendants are having other residential house for their residence, the house building bearing No.XVI 29 of Naduvil Grama Panchayath with its appurtenant land in the plaint schedule property is to be reserved and allotted towards the share of the plaintiffs. The plaintiffs also submit that for the purpose of equity and reservation, the amount expended for renovation of the house building in the plaint schedule property is to be adjusted and accounted for at the time of allotment. Now the plaintiffs are not intending to keep the property undivided. Though they requested partition, the defendants were not amenable. Hence, this suit for partition of the plaint schedule property into 4 equal shares and allot 2 such shares with house building to the share of the plaintiffs.

3. The 1st defendant entered appearance and filed written statement disputing the plaint claim. This defendant admitted the derivation of the property. This defendant further admits the plaint averment that the plaintiffs and defendants have an undivided ¼ share in the plaint schedule property. This defendant disputed the equity and reservation stated in the plaint and sought for dismissal of the suit with costs.

4. Despite receipt of summons by the 2nd defendant, he remained absent and the suit has proceeded ex parte against him.

5. Though the 1st defendant filed the written statement, on the day fixed for trial, she remained absent and the suit has proceeded ex parte against her also.

4. The 1st plaintiff herself was examined as PW1 and Exts.A1 to A5 were marked.

5. Heard.

6. PW1 filed an affidavit in lieu of examination in chief by reiterating the contentions in the plaint. Ext.A1 is the certified copy of the jenm deed No.2341/1986 of SRO, Alakode. Ext.A2 is the tax receipt in respect of the plaint schedule property. Ext.A3 is the legal heir certificate of deceased Manheri Manikoth Balakrishnan, which would shows that the plaintiffs and defendants are the legal heirs of deceased Manheri Manikoth Balakrishnan. Ext.A4 is the building tax receipt issued from the Naduvil Grama Panchayat with respect to the building mentioned in the plaint. The joint ownership of the plaint schedule property and the share mentioned in the plaint are admitted by the 1st defendant. Even though the 1st defendant disputed the equity and reservation stated in the plaint, he did not adduced any oral or documentary evidence to substantiate his claim. The question of equity and reservation will be considered at the time of final decree. In the absence of any evidence on record in support of the

contentions raised by the defendants, the suit can be decreed based on the oral and documentary evidence adduced by the plaintiffs.

In the result, the suit is decreed and a preliminary decree is passed as follows:-

1. The plaint schedule property shall be divided into 4 equal shares by metes and bounds.
2. The plaintiffs are jointly entitled to get 2/4 such shares over the plaint schedule property.
3. The defendants are entitled to 1/4 shares each over the plaint schedule property.
4. Question regarding equity will be considered while passing the final decree.
5. Any of the parties can apply for the passing of a final decree on payment of the requisite court fee.
6. Costs of the suit shall come out of the estate.
7. The suit is listed for taking steps under O. 20 R.18 of the Code of Civil Procedure, 1908 to 10.04.2026.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 12th day of March 2026)

Sd/-
MUNSIFF.

Plaintiffs' Exhibits:-

A1	14.07.1986	Certified copy of Jenm Deed No.2341/1986 of SRO, Alakode.
A2	03.10.2018	Basic tax receipt
A3	22.09.2016	Legal heir certificate
A4	05.12.2018	Certificate issued by Naduvil Grama Panchayath for payment of building tax

A5 19.12.2018 Copy of Fair value of land issued by Department
of Registration.

Plaintiffs' Witness:-

PW1 : Bhargavi

Defendants' Exhibits and Witness : Nil

Sd/-
MUNSIFF.