

**IN THE COURT OF THE MUNSIFF OF PAYYANNUR**

Present: Smt.Greeshma.A.S, Munsiff, Payyannur

Tuesday, the 24<sup>th</sup> day March, 2026

(3<sup>rd</sup> day of Chaithra, 1948)

**ORIGINAL SUIT No. 40 OF 2024**

|                                             |   |           |
|---------------------------------------------|---|-----------|
| Smitha K.V, 43 years, W/o Sreejith, Kudukku | ] |           |
| Valappil, Kadannappalli Amsom Desom,        | ] |           |
| P.O. Vilayamkode, Payyannur Taluk,          | ] | Plaintiff |
| Kannur District, 670504.                    | ] |           |
|                                             | ] |           |

**Vs.**

|                                            |   |            |
|--------------------------------------------|---|------------|
| 1. Madathil Valappil Rajesh, aged about 44 | ] |            |
| years, S/o Thazhe Veetil Sankaran &        | ] |            |
| Madathile Valappil Narayani., Madathil     | ] |            |
| Valappil, Kadannappalli Amsom Desom,       | ] |            |
| P.O.Vilayamkode, Payyannur Taluk, Kannur   | ] | Defendants |
| District, PIN 670 504.                     | ] |            |
| 2. Kudukku Valappil Narayanan, 70 years,   | ] |            |
| S/o Kelu, Kadannappalli Amsom Desom,       | ] |            |
| P.O.Vilayamkode, Payyannur Taluk, Kannur   | ] |            |
| District, PIN 670 504.                     | ] |            |

This suit is coming on this day for hearing before me in the presence of Sri.K.V. Radhakrishnan, Advocate for the plaintiff; Defendant No.2 appeared in person; name of defendant No.1 called absent set exparte and the Court delivered the following:

**J U D G M E N T**

The suit is filed for partition of the plaint schedule property.

2. **The gist of averments in the plaint are as follows:-** The item No.1 and item No.2 in the plaint schedule properties are originally belonged to father of defendant No.1 Thazhe Veetil Shankaran as per partition deed No.1372/1978 of SRO, Mathamangalam and as per pattayam No.611/1979

and document No.1984/1985 of SRO, Mathamangalam. After the death of Thazhe Veetil Shankaran the right over the property devolved upon his legal heirs of his wife Narayani, Rajesh who is the defendant No.1, and his brothers namely Madathil Veetil Radhakrishnan, Janardhanan, Latha and Asha jointly. Narayani also died and her right over the property devolved upon the above said persons jointly.

3. The two items of property described in the schedule, which are jointly owned and possessed as a single plot by the defendant No.1 and his siblings Madathil Radhakrishnan, Janardhanan, Latha and Asha, including the house and well in item No.1 property, had an undivided 2/5 share belonging to the siblings Madathile Valappil Jananrdhanan and Madathile Valappile Latha. The plaintiff had purchased the 2/5 share for consideration as per document No.1510/2023. The defendant No.2 namely Kudukku valappil Narayanan, had also purchased and registered as per document No.1526/2023 of SRO, Payyanur, the undivided 2/5 share belonging to the co-owners of Madathil Valappil Radhakrishnan and Madathil Valappil Asha in the properties described as item Nos. 1 and 2, including the house and well.

4. In the plaint schedule property, the remaining undivided share out of the total five share the 1/5 share, including the house, well belongs to the defendant No.1. In the plaint schedule property including the house, out of the total five shares, two shares belongs to the defendant No.2 and one share belongs to the defendant No.1 and the same remains undivided.

5. Since the plaintiff and the defendants have undivided right over the property, including the house and well therein, they have been jointly paying the tax.

6. As stated above the plaintiff and defendants are the co-owner in possession of the plaint schedule property. Since, the plaintiffs do not want to keep the plaint schedule property in joint possession, the plaintiffs were requested the defendants in several times to effect the partition of the plaint

schedule property. So the plaintiff send a lawyer notice dated 28.11.2023 to the defendants with a demand of the partition of the plaint schedule property, but they refused to accept the same. Hence the defendants are not co-operating for the partition of the plaint schedule property . Hence the suit.

7. The defendant No.2 entered appearance and filed written statement conceding the plaint claim. In the written statement defendant No.2 stating that the plaint schedule property (including house and well) is to be divided in to five equal shares and allotted 2/5 share to the plaintiff and 2/5 share allotted to the defendant No.2.

8. No oral evidence and no documents marked on the side of the plaintiff.

9. Hence this court of the view that in terms of the admission made by the defendant the suit can be decreed under Order XII Rule 6 of CPC.

**In the result,** suit is decreed by passing preliminary decree as follows :-

1. The plaint schedule property is ordered to be divided 5 equal shares 2/5 share is to be allotted to the plaintiff, 1/5 share allotted to defendant No.1, and 2/5 share allotted to the defendant No.2.
2. The cost of the suit shall born out of the estate.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 24<sup>th</sup> day of March, 2026).

Sd/-  
MUNSIFF.