

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

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

Wednesday, the 31st day of January, 2024
17th day of Magha, 1945

ORIGINAL SUIT No.87 OF 2018

Madhusoodhanan Nair.V.V, Aged 68 years,	]	
S/o.Devi Amma, Agriculture, Varikkara Vadakke	]	
Veedu, M.M.Bazar, Mathamangalam Post,	]	Plaintiff
Taliparamba Taluk, Kannur District-670306.	]	

Vs.

- | | | |
|---|---|------------|
| 1. Sankarankutty Naynar.V.V, (<i>Died</i>), Aged 78 |] | |
| years, S/o.Lakshmi Amma, Pensioner, |] | |
| Naynar Villa, Vengad Post, Ancharakandy |] | |
| Via, Thalassery Taluk, Kannur District, |] | |
| Pin-670612. |] | |
| 2. Raghavan Naynar.V.V, aged 68 years, |] | |
| S/o.Devi Amma, Varikkara Vadakke Veedu, |] | |
| Kandamkulangara, Kunhimangalam amsom, |] | |
| Kunhimangalam Desom, Kannur Taluk, |] | |
| Kannur District, Pin-670309. |] | |
| 3. Balachandran Naynar.V.V, aged 63 years, |] | |
| S/o.Devi Amma, Ayodhya, Vadakkumbad, |] | |
| Cheruvathoor Post, Hosdurg Taluk, |] | |
| Kasargod District-Pin-671313. |] | |
| 4. Lakshmikutty Amma.V.V, aged 61 years, |] | Defendants |
| D/o.Devi Amma, House Wife, Kalikkode |] | |
| Veedu, Kodeswaram, Pattuvam Post, |] | |
| Taliparamba Taluk, Kannur District-670143. |] | |
| 5. Narendran Naynar.V.V, aged 59 years, |] | |
| S/o.Devi Amma, Varikkara Vadakke Veedu, |] | |
| Kandamkulangara, Kunhimangalam amsom, |] | |
| Kunhimangalam Desom, Kannur Taluk, |] | |
| Kannur District, Pin-670309. |] | |
| 6. Geethakumari.V.V, aged 56 years, |] | |
| D/o.Devi Amma, Varikkara Vadakke Veedu, |] | |

- M.M.Bazar, Mathamangalam Post,]
 Taliparamba Taluk, Kannur District,]
 Pin-670306.]
7. Krishnenthun Unnikrishnan, aged 11 years,]
 D/o.Smitha Nambiar, Minor Child, Naduvil]
 amsom Naduvil Desom, Taliparamba Taluk,]
 Kannur District. (Minor child represented by]
 her mother, Next friend and legal guardian,]
 the defendant No.8).]
8. Smitha Nambiar, aged 39 years,]
 D/o.Lakshmikutty Amma, Housewife,]
 Naduvil Amsom, Naduvil Desom,]
 Taliparamba Taluk, Kannur District.]
- Supplemental Defendants: (Legal heirs of]
deceased defendant No.1).]
- 2nd Wife:]
9. Vilasini S.Nayanar, aged 70 years,]
 W/o.Late.S.K.Nayanar, Nayanar Villa,]
 Ancharakandy, Vegad, P.O.Vegad,]
 Kannur Taluk, Kannur District-670612.]
10. Dr.Lekha S.Nayanar, aged 62 years,]
 S/o.Sankarankutty Nayanar, Newpuram,]
 Koothattukulam P.O, Ernakulam District.]
11. Satheesh Kumar.C, aged 59 years,]
 S/o.Sankarankutty Nayanar,]
 Swayamprabha House, S.S.Temple West,]
 Keloth, Payyanur P.O-670307.]
12. Sajith Kumar.S, aged 56 years,]
 S/o.Sankaran Kutty Nayanar, Advocate,]
 Viswathi House, SS Temple West,]
 Payyanur-P.O-670307.(Supplemental]
 Defendant Nos.9 to 12 are impleaded and]
 amended as per order in I.A.01/2021 and]
 I.A.02/2021 dated 01-10-2022 respectively).]

This suit coming on the 29th day of January 2024 day for hearing before me in the presence of Sri.K.Sukumaran, Advocate for the Plaintiff; and of Sri.K.V.Sasidharan Nambiar, Advocate for the Defendant Nos.1, 4, 7 and 8; and of Sri.Anil Kumar.K, Advocate for the Defendant No.6; and of Smt.Arya.V, Advocate for the Defendant Nos.10 to 12; and the Defendant No.2, 3, 5 and 9 are name called absent, set exparte; and having stood over this day for consideration and the Court delivered the following:

J U D G M E N T

Suit is filed for partition.

2. The averments in the plaint in brief are as follows:-

Plaint schedule property described in item No.1 to 3 originally belonged to Thavazhi of Varikkara Vadakke Veedu tharavadu. The entire members of the thavazhi entered into partition of the properties as per the registered partition deed bearing No.1881/1958 of SRO, Payyanur. Property described in A schedule in the said deed is set apart to the share of Lakshmi Amma her daughter Devi Amma, son Sankarankutty Nayanar, children of Devi Amma, Madhusoodanan Nair, the plaintiff and the defendant No.2 to 6 namely Raghavan Nayanar, Balachandran Nayanar V.V, Lakshmi Amma V.V, Narendran Nayanar V.V and Geethakumari V.V among them above said Lakshmi

Amma died. After the death of Lakshmi Amma her undivided right over the property devolved upon her children Sankaran Kutty Nayanar and Devi Amma. Devi Amma also died and her respective right over the property devolved upon her children, the plaintiff and defendant Nos. 2 to 6. The property described as item No.4 in the plaint schedule was belonged to Kuppadakath Janaki Amma. She has transferred her right over the property by executing a registered gift deed No.483/1960 of SRO, Payyanur in favour of plaintiff's mother Devi Amma and father Perunnthileri Chalil Raghavan Nambiar. Mother Devi Amma and Raghvan Nambiar died and after their death their respective right over the plaint schedule properties devolved upon the legal heirs, the plaintiff and defendants Nos. 2 to 6 herein. There is dwelling house and a well in the item No.2 and also item No.4 in plaint schedule properties. The dwelling house in item No.2 is already dilapidated and it cannot be occupied. So no value against house is shown in the valuation portion.

3. The properties described as item No.5 and 6 were owned and possessed by Devi Amma by virtue of the registered assignment deed No.2505/1977 of SRO, Payyanur executed by Pandara Valappil Chemmarathi. After the death of Devi Amma, her respective right over the property devolved upon her legal heirs the plaintiff and

defendants No.2 to 6 herein. The plaintiff schedule properties described as item No.1 to 3 are in joint ownership and possession of plaintiff and defendant No.1 to 6, item No. 4 to 6 are in joint possession and ownership of plaintiff and defendants No.2 to 6. The plaintiff is entitled to get the properties partitioned as of right. Chances of amicable partition did not fructify due to the adverse attitude of the defendants who are always inclined to postpone the demand.

4. On 17.02.2018 the plaintiff caused to issue registered notice be sent to the defendants demanding partition. The notices were acknowledged by the defendant Nos.1, 3, 4 and 5. The notice sent to defendant No.2 was unserved and returned with an endorsement on it 'present address not known' and the notice sent to defendant No.4 was acknowledged and she sent a reply raising false things. The contentions raised in the reply notice of defendant No.4 is not correct and hence denied. Defendant No.4 contended that deceased Devi Amma transferred her undivided share over the item Nos. 1 to 4 in the plaintiff schedule properties in favour of her grandchild named Krishnenthun Unnikrishnan, a minor child represented by her mother Smitha Nambiar as per the registered settlement gift deed No.3925/2012 of SRO, Payyanur. The execution of such document by Devi Amma is denied by the plaintiff. Devi

Amma never had executed a gift deed as alleged in the reply notice. The minor child Krishnenethu Unnikrishnan is made as party to this suit and arrayed as defendant No.7 for the fair disposal of the suit. Defendant No.7 is a minor child represented by his mother, next friend and legal guardian who arrayed as defendant No.8 in the suit. In the circumstances, the plaintiff is constrained to file this suit. The plaintiff is entitled to $10/72$ share in the item No.1 to 3 in plaintiff schedule property and $1/6$ share in the item No.4 to 6 in the plaintiff schedule properties. Defendant No.1 is entitled to get $12/72$ share in item No.1 to 3 and defendants No. 2 to 6 are entitled to get $10/72$ each shares in item No.1 to 3 and defendants No.2 to 6 are entitled to get $1/6$ share each in item No.4 to 6 in the plaintiff schedule properties. Hence the suit.

5. The averments in the written statement filed by defendant Nos.1,4,7 and 8 are as follows:-. The suit is not maintainable either in law or on facts. Defendants admitted that the plaintiff schedule property was in the possession of Thavazhi of Varikkara Vadakke Veedu tharavadu and the entire members of the thavazhi entered into partition of the properties as per the registered partition deed bearing No.1881/1958 of SRO, Payyanur. The property described in A schedule in the said deed is set apart to the

share of Lakshmi Amma, her daughter Devi Amma, son Sankarankutty Nayanar, children of Devi Amma, Madhusoodanan Nair, the plaintiff and the defendant No.2 to 6 namely Raghavan Nayanar, Balachandran Nayanar V.V, Lakshmi Amma V.V, Narendran Nayanar V.V and Geethakumari V.V among them above said Lakshmi Amma died. After the death of Lakshmi Amma her undivided right over the property devolved upon her children Sankaran Kutty Nayanar and Devi Amma. According to the defendants after the death of Devi Amma, her respective right over the property did not devolve upon her children, the plaintiff and defendant Nos. 2 to 6. The plaintiff has no right to partition the property of deceased Devi Amma. Calculation of share in the plaint is not correct. Devi Amma's right over the property did not devolve upon defendant No.7(minor) as per registered settlement gift deed No.3925/2012 of SRO, Payyanur. Item No.1 to 3 in the plaint schedule properties are divided into 8 equal shares and one share each to the defendant No.1, 4 and 7. The 7th defendant who is a minor has 1/7th share right of Devi Amma in item No.4. Item No.4 in the plaint schedule property is divided into seven equal shares and one such share each allotted to the defendant No. 4 and 7. Item No.5 and 6 in the plaint schedule property are not partitioned because Devi Amma transferred her right

over the property to defendant No.7 who is a minor represented by her mother defendant No.8. They paid the land tax also.

6. **Written statement filed by the defendant No.6 are as follows:-** Defendant No.6 admitted that item No. 1 to 3 properties were possessed by Lakshmi Amma, Devi Amma and others and after the death of Devi Amma her respective right over the property devolved upon her children, the plaintiff and defendant No.2 to 6 and D1. Item No.4 in the plaint schedule was possessed by Devi Amma and Raghavan Nambiar vide registered gift deed No.483/1960 of SRO, Payyanur and after the death of Raghavan Nambiar and Devi Amma, their respective right over the properties devolved upon their legal heirs, the plaintiff and defendant Nos. 2 to 6. Item No.5 and 6 of the plaint schedule properties were possessed by Devi Amma vide a registered assignment deed No.2505/1977 of SRO, Perngome and after the death of Devi Amma her legal heirs the plaintiff and defendant Nos. 2 to 6. Item No.1 to 3 of the plaint schedule are joint possession of the plaintiff and defendant Nos.1 to 6 and item No.4 to 6 are in joint ownership of the plaintiff and defendant No.2 to 6. Defendants denied that the deceased Devi Amma transferred her undivided share over item Nos. 1 to 4 in the plaint schedule properties in favour of her grand children named Krishnendu,

Unnikrishnan, a minor child represented by guardian Smitha Nambiar as per the registered settlement gift deed No.3925/2012 of SRO, Payyanur. Devi Amma had never executed such a gift deed in favour of the minor child. Defendant No.6 admitted the plaint averments and are ready for the partition of the plaint schedule property.

7. Defendant No.10, 11 and 12 also entered appearance and filed written statement conceding the plaint claim.

8. Heard both sides.

9. On the basis of the above pleadings the following issues were framed by the predecessor in my office

1. Whether the plaint schedule property is available for partition?
2. Whether the plaintiff has any right in the property if so what is his share in the plaint schedule property?
3. Whether defendant No.7 obtained any right in the plaint schedule property as per document No.3925/2012?
4. Order as to reliefs and costs?

10. Plaintiff did not adduce oral evidence. Ext.A1 to A5 documents were marked from the side of the plaintiff and oral evidence of DW1 and DW2 and Ext.B1 to B9 documents were marked.

11. Ext.A1 is the document No.1881/1958 of SRO, Payyanur,

Ext.A2 is the document No.2505/1977 of SRO, Payyanur, Ext.A3 is the document No.483/1960 of SRO, Payyanur, Ext.A4 is the copy of lawyer notice, Ext.A5 is the reply notice dated 03.03.2018. Ext.B1 is the settlement deed No.3925/2012 of SRO, Payyanur, Ext.B2 to B9 are the basic tax receipts dated 25.06.2014, 26.06.2018, 26.11.2013, 21.08.2018, 21.07.2020, 03.08.2021, 17.08.2022. Ext.B9 is the possession certificate issued by Village Officer, Kunhimangalam.

12. **Issue No.1:-** The plaintiff seeks partition of the properties described as item No.1 to 3, item No.4, item No.5 and 6 in the plaint schedule. Item No.1to 3 of plaint schedule belonged to the plaintiff and defendants jointly as per Ext.A1 partition deed bearing No.1881/1958 of SRO, Payyanur. Perused Ext.A1 document No.1881/1958 of SRO, Payyanur, which is the partition deed bearing No.1881/1958 of SRO, Payyanur.

13. The next property described in the schedule is item No.4. To prove that item No.4 is available for partition plaintiff produced Ext.A3. Perused Ext.A3 which is the registered gift deed executed by Kuppadakkath Janaki Amma in favour of Devi Amma and father Perunnthileril Chalil Raghavan Nambiar.

14. The Item No. 5 to 6 in the plaint schedule were owned and possessed by Devi Amma by virtue of registered assignment deed

No.2505/1977 of SRO, Payyanur. To prove the same plaintiff produced Ext.A2. Perused Ext.A2 which is the assignment deed executed by Pandaravalappil Chemmarathi in favour of Devi Amma.

15. All the above facts are not disputed. These facts were admitted by both parties. The dispute is with regard to the extent of the plaint schedule property, which is partible. To be more precise the dispute is that the Devi Amma executed a gift deed No.3925/2012 of SRO, Payyanur to defendant No. 7 in regard to item No. 5 to 6 exclusively and 1/7 share in item No 1 to 3 and 1/7 share in item no 4. Thus the plaint schedule properties are available for partition. This issue is found in favour of plaintiff.

16. **Issue No.3:-** For sake of convenience this issue is considered before issue No.2. According to the Plaintiff on 07.02.2018, he issued a Reg. notice to the defendants by demanding partition. Defendant No.4 replied to the notice stating that deceased Devi Amma had transferred her undivided share over item No.1 to 4 in the plaint schedule properties in favour of her grandchild, who was a minor represented by her mother, by executing a Reg. settlement Gift deed No.3925/2012 of SRO, Payyanur. According to the plaintiff Devi Amma never executed a Gift deed. According to the defendants, Item No.5 and 6 of the plaint schedule property is transferred by Devi

Amma by executing a Reg. settlement Gift deed No.3925/2012 of SRO, Payyanur. Also in Item No.4 of the plaint schedule property 1/7 share is allotted to defendant No.7 who is a minor. According to the defendants item No.4 is to be divided into seven equal shares among all defendants except plaintiff, D1 and D8. Also item No.5 and 6 is devolved to defendant No.7 who is a minor, which is not liable partition.

17. To prove his case plaintiff produced documents which are marked as Ext.A1 to A5. No oral evidence was adduced on the part of the plaintiff. Defendant No 8 was examined as DW1. DW1 deposed that Krishnendu is her daughter. DW1 during cross-examination deposed as follows:- കൃഷ്ണന്ദുവിന് സ്വന്തമായും വസ്തു കിട്ടിയിട്ടുണ്ട്. കൂട്ടമായും വസ്തു കിട്ടിയിട്ടുണ്ട്. DW1 during cross-examination denied the suggestion made by the learned counsel for the plaintiff that Ext.B1 was not executed by Devi Amma. Even though DW1 was cross examined in length nothing was brought out in cross in favour of the plaintiff.

18. To prove their case defendant examined DW2 as the witness. During the chief examination DW2 deposed that he is a witness of the gift deed executed by Devi Amma in favour of

defendant No.7. DW2 deposed that Ext.B1 ൽ രണ്ടാം നമ്പർ സാക്ഷിയായി ഒപ്പിട്ടത് ഞാനാണ്. DW2 deposed that Ext.B1 was executed on 20.09.2012. DW2 also deposed that Ext.B1 was executed from Devi Amma's Tharavad Veedu. DW2 also deposed that while Ext.B1 was being executed Devi Amma's brother Sankaran Kutty Nayanar and all other children of Devi Amma were present. DW2 also deposed that he saw Devi Amma putting her signature in Ext.B1. DW2 also deposed that he saw witness No.1 putting his signature. DW1 also deposed that he signed the documents after witness No.1 executed the documents. DW1 also deposed that ഞാൻ ഒപ്പിട്ടത് ഒന്നാം സാക്ഷി ഒപ്പിട്ടതിന് ശേഷം രണ്ടാം സാക്ഷി ആയിട്ടാണ്.

19. During cross examination, DW2 stated that Ext.B1 was executed in Kuhimangalam Amsom. He also deposed that he went there as informed by defendant No.1. DW2 deposed that he knows defendant No.1 while he was working as an industrial Officer. DW2 deposed that while Ext.B1 was being executed Devi Amma was above 82 years old. DW2 denied that she was having ailment related to old age. Dw1 again in cross examination deposed that he saw Devi Amma putting her signature in Ext.B1. DW2 also deposed that he

signed in Ext.B1 as witness No.2. During the cross examination the learned counsel for the plaintiff asked a specific question that in whose interest Ext.B1 was executed. To which DW2 deposed that in the interest of Devi Amma Ext.B1 was executed. DW2 also denied that Ext.B1 was made fraudulently while a suggestion as to the same was put forth by the learned counsel for the plaintiff. Even DW1 and DW2 were examined in length, nothing was brought out in cross to support the plaintiff's claim.

20. DW1 also produced documents, Ext.B2 to B8 which are tax receipts issued by the Village Officer, Kunhimangalam in favour of Krishnendu Unnikrishnan minor represented by guardian Smitha Nambiar. Ext.B2 to B8 are the basic tax receipts. Ext.B9 is the possession certificate issued by Village Officer, Kunhimangalam in the name of guardian Smitha Nambiar. Therefore it is proved that the donee have taken possession of the property as per settlement deed No.3925/2012 of SRO, Payyanur. Examination is proved by the evidence of DW1. Thus issue is found in favour of defendant No.7. Defendant No.7 have obtained right in the plaint schedule property as per document No.3925/2012.

21. **Issue No.2 and 4:-** To prove his claim plaintiff produced only documentary evidence and did not adduce any oral evidence.

According to the plaintiff, item No.1 to 3 was originally belonged to Thavazhi of Vareekkara Vadakke Veedu Tharavadu. To prove that item No.1 to 3 is available for partition plaintiff produced Ext.A1. Perused Ext.A1 which is the partition deed bearing No.1881/1958 of SRO, Payyanur. Thus as per the Ext.A1 the property described as A schedule in the said partition deed is set apart to the share of Lakshmi Amma her daughter Devi Amma, son Sankarankutty Nayanar, children of Devi Amma named Madhusoodanan Nair the plaintiff and the defendant No.2 to 6 namely Raghavan Nayanar, Balachandran Nayanar V.V, Lakshmi Amma V.V, Narendran Nayanar V.V and Geethakumari V.V.

22. After the death of Lakshmi Amma her undivided right over the property devolved upon her children Sankaran Kutty Nayanar and Devi Amma. When Devi Amma died her respective right over the property devolved upon her children the plaintiff and defendants No.2 to 6. Thus as per Hindu Succession after the death of the mother who dies intestate, her undivided right over the property devolves upon her children equally. Therefore, after the death of Lakshmi Amma her undivided right over the property devolved upon her children Devi Amma and Sankaran Kutty Nayanar. And after death of Devi Amma, the respective share over the property

devolves upon her children. Here the plaintiff and defendant No.2 to 6 are the children of Devi Amma. Thus, when Devi Amma died, her right over the property devolved to her children, who are the aforesaid plaintiff and defendant No.2 to 6. Thus item No.1 to 3 devolves on Sankarankutty Nayanar, Devi Amma who are the son and daughter of Lakshmi Amma respectively. As Sankarankutty died while suit was pending, his legal heirs are impleaded as per IA 1/21 and IA 2/21. So Sankarankutty's (deceased) share will devolve jointly on his heirs who are Supplemental defendant No. 9 to 12. As Devi Amma died her right devolves on plaintiff and defendant No.2 to 6. Defendant No.7 is the minor, represented by guardian (defendant No.8). Devi Amma executed Reg. settlement Gift deed No.3925/2012 of SRO, Payyanur in favour of defendant No.7, in which 1/8 share of Devi Amma is allotted to defendant No.7.

23. Thus in item No.1 to 3, the plaintiff and defendant No.1 (supplemental defendant No.9 to defendant No.12) to defendant No. 7 is entitled to 1/8 share each. Defendant No.7 is entitled to 1/8 share as per settlement Gift deed No.3925/2012 of SRO, Payyanur, defendant No.8 is not entitled to any share. She is the grand daughter of Devi Amma. Defendant No.4 is Lakshmikutty Amma who is the mother of Defendant No.8. As Defendant No.4 is alive, Defendant

No.8 who is the daughter of Lakshmikutty Amma is not entitled to get any share as per the Hindu Succession Act. Defendant No.8 only represents the minor Defendant No.7 and she is arrayed as the guardian of minor Defendant No.7.

24. The next property described in the schedule is item No.4. To prove that item No.4 is available for partition, plaintiff produced Ext.A3. Perused Ext.A3 which is the registered gift deed executed by plaintiff's mother Devi Amma and father Perunnthileri Chalil Raghavan Nambiar. After their death, their respective share over the properties devolved upon the plaintiff and defendant No.2 to 6 who are the children of Devi Amma and Perunnthileri Chalil Raghavan Nambiar as per Hindu Succession Act 1956. But on considering issue No.3, it is already proved that Devi Amma executed gift deed in favour of defendant No.7. Thus defendant No.7 is entitled to 1/7 share in item No.4 as per Reg. settlement Gift deed No.3925/2012 of SRO, Payyanur. Plaintiff is having 1/7 share over item No.4 as he is the son of Devi Amma and Perunnthileri Chalil Raghavan Nambiar. Defendant No.2 to 6 is entitled to 1/7 share each as they are the children of Devi Amma and Perunnthileri Chalil Raghavan Nambiar. Thus after the death of Devi Amma and Perunnthileri Chalil Raghavan Nambiar their right over the item No.4 of the plaint

schedule property devolves upon her children plaintiff and defendant No.2 to 6. Defendant No.1(Supplemental defendant No.9 to defendant No.12) is not entitled to get any share as he is the brother of Devi Amma. Defendant No.8 is not entitled to get any share as defendant No.4 is alive and she is the daughter of defendant No.4. Thus item No.4 is available for partition and one share is to be allotted to defendant No.7 as per the Reg. settlement Gift deed No.3925/2012 of SRO, Payyanur.

25. According to the plaintiff, properties described in the Item No. 5 and 6 in the plaint schedule were owned and possessed by Devi Amma by virtue of registered assignment deed No.2505/1977 of SRO, Payyanur. To prove the same plaintiff produced Ext.A2. Perused Ext.A2 which is the assignment deed executed by Pandaravalappil Chemmarathi in favour of Devi Amma. On deciding issue No.3, it is already proved that Devi Amma executed item No.5 and 6 in favour of defendant No.7. Thus item No.5 to 6 are not available for partition. It exclusively belongs to defendant No.7 as per the registered settlement deed No. 3925/2012 of SRO, Payyanur.

Issues are answered accordingly. In view of my above findings the suit is decreed and the preliminary decree for partition is passed as follows:-

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

1. The entire plaint schedule property is not partible. Only item No. 1 to 3 and item No. 4 remaining after the registered settlement deed No. 3925/2012 of SRO, Payyanur is found partible among the plaintiff and defendants.
2. Items No. 1 to 3 shall be divided into 8 equal shares, out of which the plaintiff is allotted with $\frac{1}{8}$ share, and legal heirs of the defendants No.1 i.e supplemental defendant No.9 to defendant No.12 are jointly allotted with $\frac{1}{8}$ share of defendant No.1(deceased), defendant No.2 to defendant No.7 is allotted with $\frac{1}{8}$ share each.
3. Item No. 4 shall be divided into 7 equal shares, out of which the plaintiff is allotted with $\frac{1}{7}$ share, and the defendants No. 2 to 7 are allotted with $\frac{1}{7}$ share each.
4. Items No.5 and 6 are not available for partition. Defendant No.7 is entitled to exclusive possession of items No.5 and 6 as per the registered settlement deed No. 3925/2012 of SRO Payyanur.
5. The defendants are allowed to get separate possession of their respective share over the partible property by its metes and bounds.

6. Costs of the suit shall come out of the estate.

7. For further steps to 05.02.2024.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 31st day of January 2024).

Sd/-
MUNSIFF

Plaintiffs Exhibits:-

A1	23-09-1958	Certified copy of Partition Deed No.1881/1958 of SRO, Payyanur.
A2	17-11-1977	Certified copy of Reg.Jenm Sale Deed No.2505/1977 of SRO, Payyanur.
A3	05-04-1960	Certified copy of Gift Deed No.483/1960 of SRO, Payyanur.
A4	07-02-2015	Copy of Lawyer Notice.
A5	03.03.2018	Reply Notice.

Plaintiffs' Witness:- Nil

Defendants' Exhibits:-

B1	20.09.2012	Settlement Deed No.3925/2012 of SRO, Payyanur.
B2	25.06.2014	Basic Tax Receipt
B3	26.06.2018	Basic Tax Receipt
B4	26.11.2013	Basic Tax Receipt
B5	21.08.2018	Basic Tax Receipt
B6	27.10.2020	Basic Tax Receipt
B7	03.08.2021	Basic Tax Receipt
B8	17.08.2022	Basic Tax Receipt
B9	04.02.2023	Possession Certificate issued by Village officer, Kunhimangalam.

Defendants' Witness:-

DW1	Smitha Nambiar.
DW2	Thumbiyodan Krishnan.

Sd/-
MUNSIFF