

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

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

Thursday, the 16th day January, 2025
26th day of Pousha, 1946

ORIGINAL SUIT No. 42 OF 2023

- | | | |
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| <u>Children of Kalliani Amma</u> |] | |
| 1. Kannoth Kakkopravath Bhaskaran Nambiar, |] | |
| aged 71 years, Sreeragam, Kairali Nagar, |] | |
| Edakkad amsom, Thottada, P.O. Kannur- 7. |] | |
| <u>Brother</u> |] | Plaintiffs |
| 2. Damodaran Nambiar, aged 67 years, |] | |
| M.K. House, Kunhimangalam amsom |] | |
| desom, P.O. Kunhimangalam. |] | |
| Vs. | | |
| <u>Children of Krishnan Nambiar</u> |] | |
| 1. Pattethatt Kripesh, aged 44 years, |] | |
| |] | Defendants |
| <u>Brother</u> |] | |
| 2. Prajith, aged 40 years, Pallikkunnu amsom, |] | |
| Chalad desom, P.O. Chalad – 670 014. |] | |

This suit is coming on this day for hearing before me in the presence of Sri. Mahesh V Ramakrishnan, Advocate for the plaintiffs; Defendants name 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:-** Plaint schedule property originally belonged to Mannillath Govindan Namboothiri as per the jenm of Thalakkulath Illam and as per document No.85/1966 of SRO, Payyanur. Thereafter the right over the plaint schedule property devolved upon the plaintiffs and their brother Krishnan Nambiar jointly as per document No.3056/1978 of SRO, Payangadi. Thereafter, they got jenm as per order in S.M 2119/78 of Land Tribunal, Payyanur.

3. The above said Krishnan Nambiar was died and an undivided one-third right over property devolved upon his legal heirs who are the defendants herein.

4. When the plaintiffs felt that the joint possession and enjoyment of the plaint schedule property is not feasible they demanded to the defendants to partition the plaint schedule property and they were ready for the same also. At last on 15.01.2023 the plaintiff demanded to the defendants to ready for partition as agreed earlier. But they are not ready for the same. Hence the suit.

5. Defendants name called absent and set ex-parte.

6. The plaintiff filed proof affidavit in lieu of chief examination and Ext.A1, A1(a) and Ext.A2 and A2(a) were marked. When the plaintiff was called upon to establish the case, the plaintiff was present and he was examined as PW1. He filed proof affidavit in lieu of the chief examination in tune with the plaint averments. He has produced Ext.A1, A1(a) and Ext.A2 and A2(a) to support his case. Ext.A1 is the copy of jenm deed No.3056/1978 A1(a) is the certified copy jenm deed No.3056/1978, Ext.A2 is the computer print of Fair Value Certificate, A2(a) is the true copy of computer print of

Fair Value Certificate. The oral evidence of PW1 and the documents produced by PW1 remain unchallenged. Hence, I find that the plaintiff has established his case and is entitled to a decree as prayed for.

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

1. The plaint schedule property is ordered to be divided into three equal shares and allotted 2/3 shares to the plaintiffs.
2. The cost of the suit shall be borne out of the estate.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 16th day of January 2025).

Sd/-
MUNSIFF.

Plaintiff's Exhibits:-

A1	14.11.1978	Copy of Their deed No. 3056/1978, SRO Payangadi.
A1(a)	14.11.1978	Certified Copy of Their deed No. 3056/1978, SRO Payangadi.
A2	--	Computer print of Fair value Certificate.
A2(a)	--	Computer print of Fair value Certificate.

Plaintiff's Witness:-

PW1 : K.Damodaran Nambiar

Defendant's Exhibit and Witness :- Nil

Sd/-
MUNSIFF.