

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

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

Tuesday, the 31st day of March, 2026

10th day of Chaithra, 1948

FDIA.1183 OF 2014 in O.S.No.167 OF 1989

- | | | |
|--|---|---|
| Padinhare Madhavapalli illath Narayanan |] | |
| Namboothiri (Died) |] | |
| <i>Legal heirs</i> |] | |
| 1. Palatt Kannamkai Veettil Siva Sankaran Adiyodi, |] | |
| S/o.Narayanan Namboothiri |] | |
| 2. Lakshmikutty, D/o.Narayanan Namboothiri |] | <u>Petitioners</u> |
| |] |] 2 nd to 7 th Plaintiffs |
| 3. Narayanan, S/o.Narayanan Namboothiri |] | |
| 4. Barghavi, D/o.Narayanan Namboothiri |] | |
| 5. Padmavathi, D/o.Narayanan Namboothiri |] | |
| 6. Thankamani, D/o.Narayanan Namboothiri |] | |
| All are at Cheruthazham amsom, desom, |] | |
| Kannur Taluk. |] | |

Vs.

- | | | |
|--|---|--------------------|
| 1. Subadra Antherjanam, W/o.Krishnan Namboothiri |] | |
| 2. Savithri, D/o.Krishnan Namboothiri (Died) |] | |
| 3. Devaki, D/o.Krishnan Namboothiri |] | |
| 4. Narayana Namboothiri, S/o.Krishnan Namboothiri |] | |
| 5. Subrahmaniyan, S/o.Krishnan Namboothiri |] | |
| 6. Govindan, S/o.Krishnan Namboothiri |] | <u>Respondents</u> |
| Respondent Nos.1 to 6 are at Cheruthazham |] |] Defendants |
| amsom, desom, Kannur Taluk. |] | |
| 7. Rugmini Amma, W/o.Sambu Namboothiri |] | |
| 8. Savithri, D/o.Sambu Namboothiri |] | |
| 9. Murali, S/o.Sambu Namboothiri |] | |
| 10. Nalini, D/o.Sambu Namboothiri |] | |
| 11. Radhakrishnan, S/o.Sambu Namboothiri |] | |
| 12. Vijayalakshmi, D/o.Sambu Namboothiri |] | |
| <i>Respondent Nos.7 to 12 are residing at No.47,</i> |] | |
| <i>SMESC Colony Trichy 629021 Tamil Nadu</i> |] | |

13. Santha, W/o.Damodaran Adiyodi]
14. Sarin,S/o.Damodaran Adiyodi]
15. Krishnapriya, D/o.Damodaran Adiyodi]
- Respondent Nos.13 to 15 are residing at 'Priyanka',]
Thomas Nagar, Kallikulangara, Palakkad 9]
- Supplemental Respondents (Legal heirs of*] Respondents
deceased Respondent No.2)] Defendants
16. Sathi.E, W/o.Eswaran.E, aged about 45 years,]
Edakkad Illam, Panappuzha amsom, desom,]
Panappuzha.P.O, Mathamangalam Bazar. Via.,]
Panappuzha-670 306.]
17. Sobha.M, W/o.Hari.M, aged about 42 years,]
Manippuzha Illam, Alakkad.P.O, Kankol,]
Payyannur.Via-670 307.]
18. Sumithra.A.K, W/o.Eswaran, aged about 40 years,]
Appanam Karakkad Illam, Purachery,]
P.O.Ezhilode-670 309.]
19. Sankaran Embranthiri.C, S/o.Savithri, aged about]
41 years, Cheruvalli Illam, Viahnu Mangalam.P.O,]
Haripuram.Via, Anandasramam, Hosdurg Taluk,]
Kasaragod District-671 531.]
20. Unnikrishnan.C, S/o.Savithri, aged about 38 years,]
Cheruvalli Illam, Vishnu Mangalam,]
P.O.Haripuram (Via), Anandasramam, Hosdurg]
Taluk, Kasaragod District.]
21. Devaki.C.S, W/o.Subrahmaniyan Namboothiri,]
aged 36 years, Kizhakk Illam, Sougandhikam,]
P.O.Chalakoode, Korom amsom, desom, Payyannur]
Taluk-670 307.]
- Supplemental respondent No.17 to 22 are*]
impleaded and amended as per Order in IA.2/2022]
and IA.3/2022 dated 09.03.2022.]
- Serial Nos.of supplemental respondent Nos.17 to*]
22 are amended as serial Nos.16 to 21 as per]
Order in IA.06/2024 dated 21.08.2025]

Petition filed under Order XXVI Rule 14 of Civil Procedure Code.
Court fee paid ₹5/- only.

This petition coming on this day for hearing before me in the presence of Sri.G.Gireesh, Advocate for petitioner; respondent No.1 reported died; of Sri.V.M.Vijayaraghavan, Advocate for the respondents No.6; respondents are name called absent, set exparte and the court passed the following:-

ORDER

The petition is filed under Order XXVI Rule 13 of CPC.

2. The petitioner is the plaintiff No.2 in the original suit.

3. **The averments in the petition are as follows:-** The FDIA is filed for seeking partition of the property into 224 equal shares with mesne profits and to allot seven such share to the plaintiff.

4. As per the preliminary decree dated 05.04.2017, the item No.1, 2 and 3 of the plaint schedule property and the house included in the item No.3 of the plaint schedule property is to be divided into seven equal shares and allotted one such share to the plaintiff No.2.

5. Preliminary decree was passed on 27th March 2011 and the same was modified on 25.08.2021. All the defendants/respondents are ex-parte in this proceedings. Plaint/decreed A Schedule contains 6 items of immovable properties but only two items, ie; item No. 1 in R.S No. 700/5 and item No. 2 in R.S No.700/4 are available for partition and the remaining are in the possession of tenants and dealt with separately and not available for partition, as claimed by petitioners and as revealed in local enquiry (a memo to this effect was submitted by the Petitioner and attached along with

the report). The advocate commissioner was taken to the plaint schedule property by the Plaintiff/Petitioner No.2 Mr Sivasankaran Adiyodi along with Village Officer, Cheruthazham, Mr. Manoj T A, lastly on 25.2.25 and measured the available two items of the properties and a plan is prepared by the Village officer as per my directions and based on FMB available in the Village Office and also on verification of copies of title deeds etc. According to the commissioner, the site plan attached along with the report is self explaining and the commissioner provided description as follows:- Item No. 1- This property is in RS 700/5, OS 1148/3 of Cheruthazham amsom desom, presently in Payyanur Taluk of Kannur district extending to 0 Hector 42 Aar (1.05 Acres).

6. Item No.2 - This property is in RS 700/4, OS 1149 of Cheruthazham amsom desom of Payyanur Taluk, Kannur district extending to 0 hector 34 Ares (0.94 Acres).

7. Altogether 0 Hectares 76 Ares (1.99 Acres). Both properties are similar and similarly situated and will fetch same market value. Plaint/decreed B schedule contains immovable properties like household utensils etc. According to the plaintiff/Petitioners they are not available now for partition and declines their claim upon them by a memo produced before me. Their claim upon properties items 3 to 5 immovable properties mentioned in plaint/decreed A schedule are paddy fields and is now in the possession of tenants and dealt with by Land reforms act. Plaintiffs/Petitioners declines their claim upon them and a memo to that effect is produced to me and is attached along with the report.

8. There is a tarred road running from Bhaskaran Peedika bus stop of Pilathara - Payangadi road, towards Pariyaram Medical College and a pocket road is running from this road touching item No.1 and 2 of plaint schedule property. During my earlier inspection it was a mud road. There is

a board in the beginning of this road as "Private Road" and a gate is seen fixed. A mud pathway having a width of 3 feet starts from this pocket road runs west-south between item No.1 and item No. 2 properties and further to Paddy fields. There is a very old tiled house building in item No. 1 property having building No. IX/395 of Cheruthazham Grama Panchayath. That house building is in a dilapidated condition and it fetch no value in commercial parlance, moreover no valuation certificate is produced by the petitioners. Its inhibited and at the time of inspections there was none available.

9. As per revised preliminary decree dated 25.08.2021 the petitioners are entitled to 6/56 shares in the plaint schedule property. The total extend of the land altogether in plaint schedule property is 76 Acre and the petitioners are entitled to 6/56 shares ie 8.14 Ares or 20 Cents. That portion is marked in dark colour in item No.2 of the properties in the plan attached and is shown as "A" schedule to this report. That may be allotted to the petitioners. Petitioners may take steps to get the properties registered in their name. Remaining properties are shown in "B" Schedule having two items of properties. As respondents are ex-parte to the proceedings B schedule is not allotted to anybody.

10. "A" SCHEDULE - Allotted to Petitioners/Plaint Item No. 2 - Part District Kannur, Taluk Payyanur, Village Cheruthazham, RS No. 700/4, OS No.1149, Extent 8.10 Ares (20 Cents), Description – Ellam parambinte puraparambil thekk- kizhakke bhagathil petta Paramba. Boundaries: East - Tarred road and item No.1 property. South – Edavazhi, West and North- Un allotted properties (Remaining Properties in RS 700/4 and properties in RS 700/3), "B" schedule – Not allotted to anybody.

11. Ext.C1 report and Ext.C2 were accepted for issuing final decree.

The final decree is passed as follows:-

1. Plaint A schedule property plaint item No.2 an extent of 8.10 Are (20 cents) in R.S No.700/4 (portion marked in dark colour in the Ext.C2 plan) is allotted to the share of petitioners.
2. Ext.C1 report and Ext.C2 plan shall form part of the decree.
3. Cost of the suit shall borne out of the properties.
4. Parties shall deposit amount necessary to purchase the non judicial stamp for engrossing the final decree, in two months from today, failing which records shall be consigned to the record section.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 31st day of March 2026).

Sd/-
MUNSIFF.

Petitioner's and Respondent's Exhibits and Witness:- Nil

Court Exhibits:-

C1	03.06.2025	Commission Report Submitted by Adv.Sivaraman.K, Advocate Commissioner.
C2	...	Plan Submitted by Adv.Sivaraman.K, Advocate Commissioner.

Sd/-
MUNSIFF.