

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

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

Wednesday, the 19th day February, 202530th day of Magha, 1946**ORIGINAL SUIT No. 145 OF 2022**

Riyas N.M, Sulaikha, 25 years,	]	
Business, Al Fathah Manzil, Kankol,	]	Plaintiff
P.O. Kankol, Payyannur Taluk,	]	
670 307.	]	

Vs.

Nadeera N.M., Sulaikha, 29 years, No	]	
job, Kankol Amsom Desom, P.O.	]	Defendant
Kankol, Payyannur Taluk – 670 307.	]	

This suit is coming on this day for hearing before me in the presence of Sri.Jayanarayanan P.K, Advocate for plaintiff; of Sri.K.Vijayakumar, Advocate for defendant; reported no instruction; name of defendant called absent set exparte and the Court delivered the following:

J U D G M E N T

The suit is filed for partition.

2. **The gist of averments in the plaint are as follows:-**
 Plaintiff and defendant are the siblings. Plaintiff schedule property was in the possession of Nangarath Mukreerakath Mariyumma gifted the property to the mother of the defendant namely Sulaikha as per gift deed No.4070/1984. Sulaikha paid the land tax and constructed a house in the plaintiff schedule property. Accordingly while in possession

of the property, the power of attorney has been given Sulaikha's brother Noor Muhammed. Accordingly Noor Muhammed Gifted the property under the power of attorney to the plaintiff and defendant as per gift deed No.2349/15 dated 25.07.2015. The plaintiff and defendant are residing together in the house in the aforesaid plaint schedule property. In the plaint schedule property plaintiff and defendant have equal half share right over the property. The plaintiff and defendant do not have any separate right or possession. Plaintiff has various hardship in keeping the property in the joint possession and ownership. Though, the plaintiff has been demanding partition of the plaint schedule property. The defendant is not amenable to his demand and hence this suit for partition.

3. Notice served to the defendant and she remained absent when the case was posted for evidence and therefore she is set ex-parte.

4. Plaintiff himself 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 to support his case. Ext.A1 is marked.

5. Plaint claim stands proved by the affidavit filed by the plaintiff and through Ext.A1. Ext.A1 is the certified copy of document No. 2349/2015. The oral evidence of PW1 and the document produced by him remain unchallenged. As such, I find that the plaintiff has established its case and is entitled to a decree as prayed for.

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

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 19th day of February 2025).

Sd/-
MUNSIFF.

Plaintiff's Exhibits:-

A1	25.07.2015	Certified copy of document No.2349/2015
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Plaintiff's Witness:-

PW1 : Riyas N M

Sd/-
MUNSIFF.

