

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

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

Tuesday, the 28th day January, 2025

8th day of Magha, 1946

ORIGINAL SUIT No. 231 OF 2024

Shylaja K.P., W/o Rajeevan K, aged 55	]	
years, Komath House, Kalladathode,	]	
Alavil, Kannur, 670 008,	]	Plaintiff
Mobile: 8075353908	]	
Vs.		

Sreekumar K.P., S/o Meenakshi, aged 62	]	
years, Kunhipurayil House, Kizhakke	]	Defendant
Kovil, P.O.Kandoth – 670 307.	]	

This suit is coming on this day for hearing before me in the presence of S/Sri. E.P.Hamzakutty and Abdur Rasheed Kandan, Advocates for the plaintiff and the defendant 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.

2. **The gist of averments in the plaint are as follows:-** The plaint schedule property and its appurtenant land situated in R.S 161/5 of Peringome amsom belong to Narayani and others as per deed No.1030/1981. It was purchased by the plaintiff and defendant jointly as per registered jenm deed No.683/2003 of SRO, Peringome and they are jointly possessing and enjoying the property. Thereafter out of the total extent of 85 cents 60.2 cents were sold out and now 24.8 cents remains with the possession of plaintiff and defendant. The plaintiff and the defendant are cousins (defendant is son of plaintiff's aunt) and are in joint possession of the plaint schedule property and the plaintiff and defendant have equal share in the plaint schedule

property. Plaintiff is no more interested to own the property jointly she approached the defendant on 25.06.2023 to partition the property and own her share separately. At the first instance the defendant agreed to partition the plaintiff schedule property equally. As there was no move from the part of the defendant in the matter, the plaintiff again approached the defendant several times demanding to partition the property. Later it was understood that the defendant is not ready to partition the property as desired by the plaintiff. As there is no response from the defendant the plaintiff sent a legal notice on 26.09.2024. No reply has been received from his end. Hence the suit is filed for partition.

3. Name of the defendant called absent and set ex-parte.

4. Plaintiff herself was present and she was examined as PW1. She filed proof affidavit in lieu of the chief examination in tune with the plaintiff averments. She has produced Ext.A1 to A3 to support her case. Ext.A1 to A3 were marked.

5. Plaintiff claim stands proved by the affidavit filed by the plaintiff and through Exts.A1 to A3. Ext.A1 is the document No. 683/2003, Ext.A2 is the lawyer notice, Ext.A3 is the postal receipt. The oral evidence of PW1 and the documents produced by her 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 :-

1. The plaintiff schedule property is divided into two equal shares and allotted one such share to the plaintiff.
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 28th day of January 2025).

Sd/-
MUNSIFF.

Plaintiff's Exhibits:-

A1	13.05.2003	Certified copy of document bearing No. 683/1/2003 of SRO, Peringome.
A2	26.09.2024	Lawyer notice
A3	27.09.2024	Postal Receipt

Plaintiff's Witness:-

PW1 : Shylaja K.P.

Defendant's Exhibit and Witness :- Nil

Sd/-
MUNSIFF.

