

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Sri. Fayiz.T., Munsiff.

Monday, the 4th day of July, 2022/13th Ashadha, 1944.

ORIGINAL SUIT No.124 OF 2019

Karingarayil Anna @ Annamma, Aged 57 years, W/o.Kurian, Karingarayil House, Chappamala, Kottiyur amsom desom, Iritty Taluk.]]]	Plaintiff.
V/s.			
1.	Elamma Kanhiramala, Aged 86 years, W/o.Thomas, Kanhiramala House, Aanakuzhi, Kelakam amsom desom, Iritty Taluk.]]]]	Defendants.
2.	Samma Manaykakudi, Aged 61 years, W/o.Abraham, Manaykkakudi House, Irumanathur, Periya amsom, Aalattil desom, Wayanad District.]]]]	

This suit coming on the 30th day of June, 2022 for hearing before me in the presence of S/Sri.Padmaja Padmanabhan and Korembeth Rajeevan, Advocate for the Plaintiff; of the Counsels for the Defendant S/Sri.K.Jayakrishnan and Abdul Nazeer.C.K., not represented and the defendants did not appear, so they were set ex-parte and having stood over for consideration till this day; the court delivered the following:

J U D G M E N T

This is a suit for partition of the plaint schedule properties.

2. The plaint averments in brief are as follows:- The plaintiff and the 2nd defendant are sisters and the 1st defendant is their mother. The item Nos.1 & 2 properties in the Partition Deed No.3170/2004 of S.R.O., Peravoor, were allotted to the share of the plaintiff and the

defendants jointly. They transferred 35 cents of land from the item No.1 property. The remaining extent of the item No.1 property is shown as the plaint schedule item No.1 property. The item No.2 property is shown as the plaint schedule item No.2 property. The plaintiff and the defendants are entitled to 1/3 share each in the plaint schedule properties. Though the plaintiff requested for partition, the defendants did not accede to it. Hence the suit for partition.

3. Though vakalath was filed for the defendants, they did not file written statement. When the case was posted for the plaintiff's evidence, the defendants did not appear and there was no representation on their side. So they were set ex-parte.

4. The plaintiff filed affidavit in lieu of examination in chief and Exts.A1 was marked.

5. Heard.

6. The unchallenged affidavit in lieu of examination in chief filed by the plaintiff and Ext.A1 have proved that the plaintiff and the defendants are co-owners in joint possession of the plaint schedule properties and that the plaint schedule properties are liable to be partitioned among them.

In the result, preliminary decree is passed as follows:-

1. The plaint schedule properties shall be divided into 3 equal shares and 1 such share shall be allotted to the plaintiff.
2. 1 such share each shall be allotted to the defendants on payment of requisite court fee.
3. Any party to the suit can file application for final decree.
4. The costs of the suit shall come out of the estate.
5. The suit is adjourned sine die.

(Dictated to the confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 4th day of July, 2022).

M U N S I F F.

Appendix:-

Plaintiff's Witnesses:-

PW1 : Smt. Anna Kurian (Proof affidavit).

Plaintiff's Exhibits:-

A1.	23-09-2004	Certified copy of Doc. No.3170/2004 of the SRO, Peravoor.
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Defendant's Witnesses:- Nil.

Defendant's Exhibits:- None.

M U N S I F F.

PM.

**Fair/Copy of Judgment in
OS No. 124/2019.**

Dated: 04-07-2022.