

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Smt. Athira Nair., Munsiff.

Monday, the 8th day of December, 2025/ 17th Agrahayana, 1947.

ORIGINAL SUIT No.124 OF 2019.

Karingarayil Anna @ Annamma, Aged 57 years, W/o.Kurian, Karingarayil House, Chappamala, Kottiyoor amsom desom, Iritty Taluk.]]]	Plaintiff.
V/s.			
1.	Elamma Kanhiramala(died) <i>Amended as per order in IA.3/2025 dated 29-10-2025.</i>]]]	Defendants.
2.	Saramma Manaykakudi, Aged 61 years, W/o.Abraham, Manaykkakudi House, Irumanathur, Periya amsom, Aalattil desom, Wayanad District.]]	

This suit coming on the 27th day of November, 2025 for hearing before me in the presence of S/Sri.Padmaja Padmanabhan and Korembeth Rajeevan, Advocates for the Plaintiff ; Defendant No. 2 remained absent declared ex-parte ; Defendant No.1 reported died and having stood over for consideration till this day; the court delivered the following:

J U D G M E N T

Suit is one for a relief of partition.

2. **Plaintiff's case:-** The plaint averments are that the property originally belonged to the father of the plaintiff and the 2nd defendant. On his death, the property devolved upon the plaintiff and the defendants and other co-owners. Subsequently, the property was partitioned under Partition Deed No. 3170/2004 of SRO-Peravoor,

whereby items 1 and 2 of the plaint schedule were allotted jointly to the plaintiff and defendants. The plaintiff contends that he is not willing to continue in joint possession and hence seeks partition and separate possession of his share.

3. **Defendants' case:-** The defendants No. 1 entered appearance and filed written statement denying the plaint claim. Defendant No. 2 remained absent and was declared ex parte. As per the Order in IA No. 1/2024, the ex parte order was set aside, but subsequently defendant No. 2 again remained absent and was declared ex parte. Defendant No. 1 was reported to be no more.

4. On the side of the plaintiff, PW1 was examined and Ext. A1 was marked. The plaintiff has produced Ext. A1 Partition Deed and oral testimony of PW1 to substantiate his claim. There is no contest from defendant No. 2, who has been set ex parte. Defendant No. 1 having expired, her share devolves upon defendant No. 2.

5. The plaint schedule property is admittedly acquired by the plaintiff and defendants under Ext. A1 Partition Deed. The plaintiff has a right to seek partition and separate possession. With the death of defendant No. 1, her share devolves upon defendant No. 2. Thus, the property is now jointly held between the plaintiff and defendant No. 2. The plaintiff is entitled to 1 share and defendant No. 2 to the remaining 2 shares. There is no legal impediment in granting a preliminary decree for partition.

6. The plaintiff has established his right to partition. Defendant No. 2, though given opportunity, has remained ex parte. The suit is therefore liable to be decreed.

In the result, The Preliminary decree for partition is passed as follows:-

1. A preliminary decree is passed directing that the plaint schedule property be divided by metes and bounds into three equal shares.
2. The plaintiff shall be allotted one share.
3. Defendant No. 2 shall be allotted the 2 share, subject to payment of requisite court fee.
4. The costs of the suit shall come out of the estate.
5. For taking steps under Order 20 Rule 18.

(Dictated to Adalat-AI, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court on this day, the 8th day of December 2025).

Sd/-
MUNSIFF

Appendix:-

Plaintiff's Witnesses:-

PW1 : Smt. Karingarayil Anna @ Annamma

Plaintiff's Exhibits:-

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

Defendant's Exhibits:- None.

Court Exhibits:- Nil.

Sd/-
MUNSIFF

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

Dated : 08-12-2025.