

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Smt.Athira Nair, Munsiff

Friday, the 20th day of December, 2024/29th Agrahayana,1946.

ORIGINAL SUIT No.179 OF 2019

T.C.Sharada, D/O Manni, No occupation 69 years, Puthukudiyil House, Chockli amsom Menapram desom, Thalassery taluk]]]	Plaintiff.
Vs.			
1.	T.C.Vijayan, S/o.Manni, pensioner, 66 years, Illiapalli House, P.O. Moozhikkara, Thalassery taluk.]]]]	Defendants.
2.	T.C.Raveendran, S/o. Manni, 63 years, Occupation not known, Bake house, NO.II, NAT Road, Ghandi Bazar, Bangalore -560 004.]]]]]	
3.	T.C.Chandran, S/o. Manni, 60 years, occupation now known, Illiapalli house, P.O. Moozhikkara, Thalassery taluk.]]]]]	
4.	T.C.Mohanan, S/o Manni, 58 years, Occupation now known, Illiapalli house, P.O. Moozhikkara, Thalassery taluk.]]]]	
5.	T.C.Somarajan, S/o Manni 52 years, occupation now known, Illiapalli house, P.O. Moozhikkara, Thalassery taluk.]]]]	
6.	T.C.Premavalli, D/o. Manni, 53 years. occupation not known, Best Bakery, Hosakera Halli, Bangalore.]]]]]	

¹This suit coming on the 16th day of December 2024 for hearing before me in the presence of S/Sri.P.V.Shyam Prasad and M.K.Ranjith, Advocates for the Plaintiff;of Sri.K.V.Pavithran and A.P.Manoj Kumar, Advocate for the D1 to D3 and D5; D4 and D6 called absent and set exparte;and having stood over for consideration till this day; the court delivered the following:

J U D G M E N T

The suit is one for the partition of plaint schedule property.

2. **Plaintiff's case:-** Plaintiff and defendants are the children of Thiruvancheri Kunhircaman. He obtained the property as per document No.1187/1962. Thiruvancheri Kunhircaman died in 1991 and his wife died in 1998 hence the plaint schedule property devolved on the parties in the suit. The plaintiff approached the defendants for the partition of the property. But defendants were not willing for the same. Hence the suit.

3. **Defendants' case:-** Defendants were served with summons. Defendants No.1 to 3 and 5 filed written statement and admitted the claims of plaint and sought for partition of the property. Defendants No.4 and 6 were served with summons they remained absent hence declared exparte. From the side of the plaintiff, PW1 was examined and Ext.A1 was marked. From the side of the defendants No.1 to 3 and 5 no evidence was adduced. Ext.A1 is the certified copy of document No.1187/1962. The plaintiff has pleaded that the parties belongs to Hindu Religion, hence provisions under Hindu Succession Act is applicable to them. Thus plaintiff and defendants are the joint owners of the property. Plaintiff and defendants are entitled to equal shares in the property. There is no contra evidence to disbelieve the evidence

of PW1. Hence I am of the view that plaintiff is entitled for a decree as prayed for.

In the result, the suit is decreed as follows: -

1. Plaintiff schedule property shall be divided into 7 equal shares by metes and bounds.
2. Plaintiff is entitled to 1 share.
3. Defendants No.1 to 3 and 5 are entitled to 1 share each.
4. Defendants No.4 and 6 are entitled to get 1 share each on payment of requisite court fee.
5. Both parties shall bear their respective costs.
6. Either parties makes steps under Order XX Rule 18 of the Civil Procedure Code.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court this the 20th day of December 2024).

M U N S I F F

Plaintiff's Witness:-

PW1:- Sarada.T.C.

Plaintiff's Exhibits:-

A1.	23.03.2021	Copy of document No.1187/1962 of SRO Kadirur.
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Defendant's Witness:-Nil

Defendants Exhibits:-Nil

Court's Exhibits:-Nil

cb/-

M U N S I F F.

Fair/Copy of Judgment
in **OS No.179/2019**
Dated : 20.12.2024