

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Smt. Athira Nair., Munsiff.

Monday, the 1st day of December, 2025/ 10th Agrahayana, 1947.

ORIGINAL SUIT No.374 OF 2018

John Mathew alias Raju, S/o. late Mathew alias Mathai, aged 56 years, Central Government Employee (BSF), permanently residing at Edakkalloor House, PIN 670674, Iritty Taluk and presently Perinthanam, Kelakam Amsom, Desom, P.O. Kelakam, Government Quarters No. 14, Type-3, Yelahanka, residing at Signal Training School, BSF Campus; P.O. ASF, Bangalore-63.		Plaintiff.
Vs.		
1.	Mariyamma Mathew, W/o. late Mathew alias Mathai, aged 80 years, No occupation, Edakkalloor House, Vellunni Road, Kelakam Amsom, Desom, P.O. Kelakam, PIN 670674, Iritty Taluk.	Defendants.
2.	Eliyamma Mathew, W/o. Danial Mathew, aged 54 years, Housewife, James Bhavan, P.P.N. Nagar, Punithara Village, P.O. Edappally, Kanayannur Taluk, Ernakulam District, PIN 682024.	
3.	Mariyamma Mathew, W/o. M.V. Mathew, aged 49 years, Housewife, Moozhayil House, Kelakam Amsom, Nananipoyil Desom, P.O. Kelakam, PIN 670674, Iritty Taluk.	
4.	Sabu Mathew, S/o. late Mathew alias Mathai, aged 48 years, Agriculturist, Edakkalloor House, Vellunni Road, Kelakam Amsom, Desom, P.O. Kelakam, PIN 670674, Iritty Taluk.	

Suppl. D5.	Dhan Sabu, S/o. Sabu Mathew, aged about 20 years, Student, Edakkalloor House, Vellunni Road, Kelakam amsom desom, PO Kelakam, Pin 670674, Iritty Taluk. <i>(Suppl. Defendant No.5 is impleaded and amended as per order in IA No.1/2022 and 2/2022 dated 03-08-2022)</i>]	Defendants.
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This Suit coming on the 25th day of November, 2025 for hearing before me in the presence of Sri. K. Mukundan, Advocate for the Plaintiff ; of Sri. E. Sanilkumar, Advocate for the Defendant No. 3 ; Defendant No. 1, 2, 4 and 5 remained absent, declared exparte 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:-** Plaint Schedule property was acquired by Mr. Mathai. He has Constructed a house in plaint Schedule Item No. 1. In plaint Schedule Item No. 3, Mr. Mathai constructed two buildings and monthly income from the same is ₹.50,000/- (Rupees Fifty Thousand only). Plaintiff has not obtained any profit or share in the rent for the last one year. Now, the properties are not being properly managed. Hence the suit is filed for a relief of partition of plaint property into 12 equal shares and allotting 2 shares to the plaintiff.

3. Defendants were served with summons. Defendants appeared and filed the written statement. Thereafter defendant No. 1 and defendant No. 2 remained absent. Hence declared ex parte. Defendant No. 3 and defendant No. 4 filed the written statement. Thereafter as per the Order in IA No. 1/2022, defendant No. 5 was impleaded.

Defendant No. 5 was served with summons and remained absent. Hence declared ex parte. Thereafter the counsel for defendant No. 4 reported that he has no instruction from the party. Hence a court notice was issued. Court notice was served on defendant No. 4. He remained absent. Hence declared ex parte. Thereafter suit was proceeded only against defendant No. 3. When the matter was listed for trial, IA No. 5/2025 and IA No. 6/2025 was allowed. As per the order in IA No. 6/2025, amendment was carried out and as per the amendment, property claimed by defendant No. 3 has been given up. Thus, there was no contest from the side of the defendant No. 3.

4. From the side of the plaintiff, PW1 was examined and Exhibit A1 to Exhibit A7 were marked. From the side of the defendant, no evidence was adduced.

5. Heard counsel for the plaintiff and defendant No. 3.

6. From the unchallenged approach and evidence, this Court is of the view that plaintiff is entitled for a decree as prayed for.

In the result, suit is decreed as follows:-

1. House in Item No. 1 of plaint schedule property and Item No. 3 in plaint schedule property shall be divided into 12 equal shares by metes and bounds.
2. Plaintiff is entitled to 2 such shares .
3. Defendant No. 1 is entitled to 4 such shares on payment of requisite court fee.
4. Defendant Nos. 2 to 4 is entitled to 2 such shares each on payment of requisite court fee.

5. The costs of the suit shall come out of the estate.

6. 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 1st day of December 2025).

Sd/-
MUNSIFF

Appendix:-

Plaintiff's Witnesses:-

PW1 : John Mathew @ Raju.

Plaintiff's Exhibits:-

A1.	10-02-1966	Certified copy of Document No. 417/1966 of SRO, Uliyil.
A2.	03-04-1970	Certified copy of Document No. 946/1970 of SRO, Uliyil.
A3.	25-04-1966	Certified copy of Document No. 1458/1966 of SRO, Uliyil.
A4.	23-02-1972	Certified copy of Document No. 376/1972 of SRO, Uliyil.
A5.	28-10-2011	Certified copy of Document No. 4372/2011 of SRO, Peravoor.
A6.	28-10-2011	Certified copy of Document No. 4371/2011 of SRO, Peravoor.
A7.	28-10-2011	Certified copy of Document No. 4373/2011 of SRO, Peravoor.

Defendant's Witnesses:- Nil.

Defendant's Exhibits:- Nil.

Court Exhibits:- Nil.

Sd/-
MUNSIFF

**Fair/Copy of Judgment in
OS No.374/2018.
Dated : 01-12-2025.**