

IN THE COURT OF THE MUNSIFF, CHANGANACHERRY

Present :- Smt. Sarica A R , Munsiff

**Saturday 21st day of March,2026
30th Phalguna, 1947**

**FDA 29/2020 in OS. No 40/1997 & FDA No.31/2020 in
O.S. NO. 365/1996**

FDA 29/2020 in OS. No 40/1997

PETITIONER/PLAINTIFF:-

M. Thankappan, aged 78 years, S/o Mencherithara Mylon Pappan, Manalodi House, Perunna West Muri, Changanacherry Village, Changanacherry Taluk.

By Adv. E.A Sajikumar

RESPONDENTS/ DEFENDANTS:

- 1) Radhamma, W/o Gopalan, Kadathara House, Kottamury P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk. (Died)
2. K.M Janardhanan, Kadathara House, Kottamury P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk. (Died)
3. K.Leelamma, W/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvanathapuram(Died)
4. Neena, D/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvanathapuram.
5. Dr. Preetha. , D/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvanathapuram.

6. Anil Prasadsen, S/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvananthapuram.
7. Soya, D/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvananthapuram
8. Ashok Prasadsen, S/o K.M Janardhanan, Poornima, House No. 624, Ward No. 10, Peroorkada, Thiruvananthapuram.
9. Jyotheendranath, aged 75 years, S/o Gopalan, Kottamuri P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk.
10. Baburaj, aged 70 years, S/o M.T Gopalan, Ambika Sadanam, KRA 69 Kedaram Nagar Chalakkudy Road, Medical College P.O, Medical College Village, Kazhakkootam Taluk, Thiruvananthapuram District.
11. Ranansen, aged 68 years, S/o M.T Gopalan, Kadathara House, Saras TL 7/459 Karunya 130, Medical College P.O, Medical College Village, Kazhakkootam Taluk, Thiruvananthapuram.
12. Vijayakumari, aged 65 years, W/o P.R Janardhanan, Paranattu House, Opposite N.S.S High School, Thiruvalla Taluk, Thiruvalla Village, Pathanamthitta District.
13. Sudhadevi, aged 62 years, W/o Kanchiram, Karthika House, Kottamury P.O, Thrikkodithanam Village, Changanacherry Taluk
14. Sreedevi, aged 56 years, W/o Sukumaran, Sangeetha Villa House, Karakullam P.O, Enikara, Sarabhai Nagar, Karakkulam Village, Thiruvananthapuram Taluk, Thiruvananthapuram District

15. Jayaraj Krishnan, aged 52 years, W/o Sukumaran, Karunyam House, Arattuvazhi, Narakkal P.O, Narakkal Village, Ernakulam Taluk, Ernakulam District.

Addl. Respondents :-

16. Santhakumari, aged 70 years, W/o Jyotheendranath , Jyothish House, Kottamury P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk.
17. Babitha, aged 40 years, D/o Jyotheendranath , Jyothish House, Kottamury P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk.
18. Bibin, aged 38 years, S/o Jyotheendranath , Jyothish House, Kottamury P.O, Thrikkodithanam Village, Thrikkodithanam Muri, Changanacherry Taluk.

Addl R 16 to R 18 are impleaded as per order in IA 4/21 dated 30.11.2021

R1 to R9 No Vakalth

R10 to R15 By Adv. Glory V. Gregary

R16 to R 18 By Adv. K. Pradeep

FDA No.31/2020 in O.S. NO. 365/1996

PETITIONER/ LEGAL HEIRS OF PLAINTIFFS

1. Neena, aged 60 years, D/o Janardhanan, Poornima, House No. 629, Ward No. X, Perurkkada, Thiruvananthapuram.
2. Dr. Preetha, aged 57 years, D/o Janardhanan, Poornima, House No. 629, Ward No. X, Perurkkada, Thiruvananthapuram

3. Anil Prasad Sen J, Aged 56, S/o Janardhanan, Poornima, House No. 629, Ward No. X, Perurkkada, Thiruvanathapuram
4. Soya, aged 54 years, D/o Janardhanan, Poornima, House No. 629, Ward No. 10, Perurkkada, Thiruvanathapuram
5. Asha Prasad Sen, aged 52 years, D/o Janardhanan, Poornima, House No. 629, Ward No. X, Peroorkkada, Thiruvanathapuram

No Vakalath

RESPONDENT/ LEGAL HEIRS OF DEFENDANTS

1. Radhamma (Died),
2. Jyotheendranad, aged about 69, S/o. M.J Gopalan, Jyothish Kollamuri, Thrikodithanam , Changanacherry.
3. G. Baburaj, aged about 67, S/o M.J Goplan, Ambikasadnam Kra 69, Kedaram Nagar, Chalakkuzhi road, Medical College P.O, Thiruvanathapuram,
- 4 G.Rananzen, aged about 65, S/o M.J Gopalan, Kadathara Saras TC 7/459(1) Karunya 130, Medical College P.O, , Thiruvanathapuram
5. G. Vijayakumari, aged about 63, D/o M.J Gopalan, Paranattu House, Opp. To N.S.S.H.S.S Munnanthanam, Thiruvalla
6. G. Sudadevi, Aged about 61, D/o M.J Gopalan, Karthikka House, Kottamuri, Changanacherry, Kottayam.

7. Sreedevi Sukumar, Aged about 59, D/o M.J Gopalan,
Sangeetha Surabhi Nagar, Eaneekkara, Karkulam P.O,
Thiruvananthapuram
8. Jayakrishnaraj. G. Aged 57, S/o M.J Gopalan,
Karunyam, Hospital Junction, Arattuvazhi, Narakkal P.O.

Addl. Respondents:-

9. Bibin Natha , aged 40 years, S/o Jyotheendranath,
Jyothish Kollamuri, Thrikkodithanam Changanacherry.
10. Babitha, D/o Jyotheendranath , Jyothish Kollamuri,
Thrikkodithanam Changanacherry.

Addl Respondents 9 and 10 are impleaded as per order in I.A.1/2021 dated 19.11.2021.

**R1 to R3 No more
R4 to R7 By Adv Glory
R8, R9& R10 By Adv.K Pradeep**

These final decree petitions having been finally heard on 19.03.2026 and the court on 21.03.2026 delivered the following:-

COMMON FINAL JUDGMENT

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Final decree applications filed under Order XX, Rule XVIII of CPC.

- (2) **Gist of the petition in FDA 31/2020** : Petitioner is the 5th defendant in the original suit. The suit was filed for partition and separate possession. A preliminary decree for partition was passed on 6.8.1998. As per preliminary decree, the plaintiffs and

defendants were entitled to $\frac{1}{2}$ share each in the plaint schedule property in OS 365/96 and $\frac{1}{3}$ rd share each in OS 40/1997. Then the 5th defendant filed the present final decree application.

(3) **Gist of the petition in FDA 29/2020** : Petitioner is the plaintiff in the original suit. The suit was filed for partition and separate possession. A preliminary decree for partition was passed on 6.8.1998. As per preliminary decree, the plaintiffs and defendants were entitled to $\frac{1}{2}$ share each in plaint schedule property in OS 365/1996 and $\frac{1}{3}$ rd share each in OS 40/1997. Then the plaintiff filed the present final decree application.

(4) Along with the final decree application, the petitioner had filed a petition to appoint an Advocate Commissioner and Surveyor. Accordingly, Adv. P.A. Sujatha is appointed as Commissioner and Preetha Kumari is appointed as Surveyor to measure out the plaint schedule property. They visited the property for ascertaining the matters and filed the commission report with survey plan on 18.3.2026. The respondents filed no objection to the commission report.

(5) The said commission report with survey plan is marked as Ext.C1 series and a final decree can be passed in terms of Ext.C1 series. The Advocate Commissioner with the assistance of

Surveyor measured out the plaint schedule property. Thus, the property was found to be partible. As per this report and plan;

- 1) 1/3rd share of the plaint schedule property having an extent of 23.750 cents, marked as **“RLMNOPQR”** in the plan attached with the commission report, is allotted to the plaintiff in OS 40/1997.
- 2) 1/3rd share of the plaint schedule property having an extent of 23.750 cents, marked as **“gKJhg”** in the plan attached with the commission report, is allotted to the 1st defendant in OS 40/1997.
- 3) 1/3rd share of the plaint schedule property having an extent of 23.750 cents, marked as **“KLMJK”** in the plan attached with the commission report, is allotted to the 2nd defendant in OS 40/1997.
- 4) 1/2 share of the plaint schedule property in OS 365/1996 having an extent of 36.625 cents, marked as **“fghIDdef”** in the plan attached with

the commission report, is allotted to the plaintiff in OS 365/96.

- 5) 1/2 share of the plaint schedule property in OS 365/96 having an extent of 36.625 cents, marked as “**abcdefa**” in the plan attached with the commission report, is allotted to the defendant in OS 365/96.

In the result, IA allowed and a final decree for partition is passed as follows:

- 1) 1/3rd share of the plaint schedule property in OS 40/1997 situate in survey 432/13, block No.8 of Thrickodithanam Village having an extent of 23.750 cents, marked as “**RLMNOPQR**” in the plan attached with the commission report, is allotted to the plaintiff in OS 40/1997.
- 2) 1/3rd share of the plaint schedule property in OS 40/1997 situate in survey 432/13, block No.8 of Thrickodithanam Village having an extent of 23.750 cents, marked as “**gKJhg**” in the plan

attached with the commission report, is allotted to the 1st defendant in OS 40/1997.

- 3) 1/3rd share of the plaint schedule property in OS 40/1997 situate in survey 432/13, block No. 8 of Thrickodithanam Village having an extent of 23.750 cents, marked as "**KLMJK**" in the plan attached with the commission report, is allotted to the 2nd defendant in OS 40/1997.
- 4) 1/2 share of the plaint schedule property in OS 365/96 situate in survey 432/13, block No. 8 of Thrickodithanam Village having an extent of 36.625 cents, marked as "**fghIDdef**" in the plan attached with the commission report, is allotted to the plaintiff in OS 365/96.
- 5) 1/2 share of the plaint schedule property in os 365/96 situate in survey 432/13, block no. 8 of Thrickodithanam village having an extent of 36.625 cents, marked as "**abcdefa**" in the plan attached with the commission report, is allotted to the defendant in OS 365/96.

- 6) Parties are allowed to take separate possession of the shares by metes and bounds by having recourse through execution proceedings before Court of law.
- 7) Ext.C1(a) plan shall form part of the decree.
- 8) Parties are directed to remit requisite amounts for purchasing stamp paper to engross the final decree within 3 months from today, failing which records shall be consigned to the record section.
- 9) Parties shall bear their respective costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced by me in open court on this the 21st day of March, 2026.

**Sd/-
Sarica A.R.
MUNSIFF**

APPENDIX

Exhibit marked for the Petitioner- Nil

Exhibit marked for the Respondent- Nil

Court Exhibits

C1	18.03.2026	Commission Report prepared by Adv. P.A.Sujatha
C1(a)	Nil	Survey Plan prepared by Surveyor Preethakumari

Witness examined for the Petitioner:-

PW1 14.08.2025 Adv.P.A Sujatha

PW2 14.08.2025 Preethakumari

Witness examined for the Respondent:- Nil

Id/-
MUNSIFF

Copied by:
Compared by: //True copy//

Sd/-
SARICA A R
MUNSIFF