

IN THE COURT OF THE MUNSIFF MAGISTRATE OF PONNANI.

Present:- **Smt. Ramya.C.R**, LL.M Munsiff- Magistrate, Ponnani.

Tuesday, the 08th day of November, 2016

the 17th day of Karthika, 1938.

PRELIMINARY DECREE IN OS 143/2016

Between

Mohammed Unni, aged 67 years, S/o Kunhi Mohammed (Late),
Ittilla Pattel House, P.O.Eramangalam, Pin 679 581,
Eramangalam amsom desom, Veliancode Village,
Ponnani Taluk, Malappuram District.

Plaintiff

And

1. Abdu, aged 62 years, S/o Kunhi Mohammed (Late),
Ittilla Pattel House, Mattom,
P.O.Nannamukku Pin 679 575,
Nannamukku amsom desom, Nannamukku Village,
Ponnani Taluk, Malappuram District.
2. Aboobacker, aged 58 years, S/o Kunhi Mohammed (Late),
Ittilla Pattel House, P.O.Eramangalam, Pin 679 581,
Eramangalam amsom desom, Veliancode Village,
Ponnani Taluk, Malappuram District.
3. Moidunni, aged 55 years, S/o.Kunhi Mohammed (Late),
Ittilla Pattel House, P.O.Eramangalam, Pin 679 581,
Eramangalam amsom desom, Veliancode Village,
Ponnani Taluk, Malappuram District.

Defendants

This petition coming on this day for hearing before me in the presence of Sri.
P.K.Khaleemudheen advocate for the Plaintiff, Defendants were called absent and set exparte,
and this court passed the following:-

ORDER

Suit for partition.

2. Averments in the plaint:- Plaint schedule property originally belonged to Ittilla

Pattel Ayisha Umma by virtue of partition deed vide document No. 1716/1979 of Ponnani S.R.O. The said Ayisumma died in the year 1993. Plaintiffs and defendant are legal heirs of Ayisumma. Plaintiff have demanded for partition of plaint schedule property and separate possession of his share. But the defendant have not so far consented for the demand. Hence this suit.

3. Defendants were served with the summons. They didn't appear before this Court. They were set exparte. Plaintiff filed proof affidavit and Ext. A1 marked. Ext. A1 is the certified copy of document no. 1760/1979 marked as Ext. A1. Plaintiff claim stands proved by Ext. A1 and proof affidavit.

Hence a preliminary decree for partition is passed as follows:-

1. Plaintiff is entitled for $\frac{1}{4}$ shares each in the plaint schedule property.
2. Defendants 1 to 3 are entitled for $\frac{1}{3}$ shares each in the plaint schedule property.
3. Plaintiffs share shall be separately allotted.
4. Defendants share shall be separately allotted on payment of requisite court fee.
5. Costs of the suit shall come out of a suit.

Suit adjourned sine die.

Munsiff Magistrate

Appendix:

Exhibits marked for the Plaintiff

A1:- 01-06-1979- Partition deed No.1716/1979 (Certified copy)

Munsiff-Magistrate

Typed by:- Jayanthi. S.

Compared by:- 1.

2.