

IN THE COURT OF THE MUNSIFF OF OTTAPALAM

Present:- Sri.M.R. Dileep, Munsiff, Ottapalam

Wednesday 22nd day of November, 2023

01st day of Agrahayana, 1945. S.E.

ORIGINAL SUIT NO.183/2016

1. Hymavathi, Aged 61 years, D/o. Janaki Amma, Thenayamchathu Palappuram Amsom, Desom, Ottapalam Taluk.
(Now residing at W/o. Sethumadhavan, Kadambattu House, Sheeba Cottage, Enkakkadu, Wadakkancherry, Thrissur District.
2. Renukadevi, Aged 56 years, D/o. Janaki Amma, W/o. Kalathodi Chandran, Thenayamchathu Palappuram Amsom, Desom, Ottapalam Taluk.
3. Ravisankar, Aged 55 years, S/o. Janaki Amma, Thenayamchathu Palappuram Amsom, Desom, Ottapalam Taluk.
4. Prem Devadas, Aged 47 years, S/o. Janaki Amma, Thenayamchathu Palappuram Amsom, Desom, Ottapalam Taluk.
Room No.101, Boomika Palace, Plot No.213,
Sidco Garden Road, Near Arnodyya Hospital Sector 10,
New Panavel, Navi Mumbai 410206.

Plaintiffs

-Vs-

1. A.M.Sreedharan Nair, Aged 70 years, S/o. Kunchukkutty Amma, 142, Shithu Mariamman Kovil Street, Old Soora Mangalam, Selam, Tamil Nadu. (Died)
2. Leela, Aged 68 years, D/o. Kunchukkutty Amma Mankili House, Ramakrishnapadi, Lakkidi Amsom Thekkumangalam Desom, Ottapalam Taluk.
3. Muraleedharan, Aged 65 years, S/o. Kunchukkutty Amma Mankili, Lakkidi Amsom, Thekkumangalam Desom, Defendants Ottapalam Taluk. (142, Shithu Mariamman Kovil Street, Old Soora Mangalam, Selam, Tamil Nadu.)
4. Rugmini, Aged 63 years, D/o., Kunchukkutty Amma, Mankili, Lakkidi Amsom Thekkumangalam Desom, Ottapalam Taluk. W/o. Achuthan, Kalappath House, Mithranandapuram, Lakkidi.
5. Radhakrishnan, Aged 62 years, S/o. Kunchukkutty Amma Mankili House, Lakkidi Amsom, Thekkumangalam Desom, Ottapalam Taluk., B 802, Mangala Moorti Complex, Balaji Nagar, Thakurli 421201, Maharashtra.

Defendants

6. Gopinathan, Aged 65 years, (Died), S/o. Late Sivaraman Nair Mankili House, Lakkidi Amsom, Thekkumangalam Desom, Ottapalam Taluk., Jamini, Santhi Nilayam, Palappuram P.O.
7. Vasanthi, Aged 61 years, W/o. Sudhakaran, Keerthiyil House, Thiruvilwamala, Thalappilli Taluk.
8. Rohini, Aged 57 years, W/o. Achuthankutty, Sreepadmam, Palappuram Amsom, Desom, Ottapalam Taluk.
9. Thenayamchathu Visalakshi Amma, Aged 58 years, W/o. Prabhakaran Nair, Mankili Veettil, Palappuram Amsom, Desom, Ottapalam Taluk.
10. Kishorkumar, Aged 40 years S/o. Prabhakaran Nair, Mankili Veettil, Palappuram Amsom, Desom, Ottapalam Taluk.
11. Nisha, Aged 31 years, D/o. Prabhakaran Nair, Mankili Veettil, Palappuram Amsom, Desom, Ottapalam Taluk.

Supple:

12. Soumini Gopinathan, Aged 58 years, W/o. Late Gopinathan, residing at Jamini, Santhi Nilayam Bus stop, Palappuram Amsom, Desom, Ottapalam Taluk.
13. Deepthi Anilkumar, Aged 36 years, D/o. Late Gopinathan, residing at Jamini, Santhi Nilayam Bus stop, Palappuram Amsom Desom, Ottapalam Taluk.
14. Divya Ranjith, Aged 31 years, D/o Late Gopinathan, residing at Jamini, Santhi Nilayam Bus stop, Palappuram Amsom Desom, Ottapalam Taluk.

Impleaded as per order in IA 2394/16 and amended as per order in IA 2395/16 dated 23.08.17.

15. Hemalatha, Aged 49 years, D/o Leela and W/o. Divakaran, Punchiri, Ramakrishnapadi, Lakkidi, Ottapalam.
16. Sivakumar, Aged 47 years, Mankili House, Ramakrishnapadi, Lakkidi, Ottapalam.
17. Sindhu, Aged 44 years, W/o. Radhakrishnan, Madassery House, Edathara.P.O., Palakkad .
18. Smitha, Aged 36 years, W/o Satheesh, Mankili House, Ramakrishnapadi, Lakkidi, Ottapalam Taluk.
Impleaded and amended as per order in IA 3028/18, IA 3029/18, dated 21.08.2018.

Defendants

19. Sulochana, Aged 70 years, W/o A.M. Sreedharan Nair, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
 20. Manikandan, Aged 43 years, S/o Late Sreedharan, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
 21. Santhi, Aged 42 years, D/o Late Sreedharan, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
 22. Veni, Aged 40 years, D/o Late Sreedharan, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
 23. Nalini, Aged 38 years, D/o Late Sreedharan, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
 24. Rajani, Aged 37 years, D/o Late Sreedharan, 142, Sindhu Mariyamman kovil street, Old soorya mangalam, Selam, Tamilnadu.
- Imploded and amended as per orders in IA 4/2023
IA 5/2023, dated 14.07.2023.

Defendants

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This suit coming on this day for final hearing before me in the presence of Sri, Jairam, Advocate for the plaintiffs, and P.R.Venkitachalam, Advocate for D4, Sri. C.P.Muraleedharan, Advocate for D7,D8,D12 to D14, Sri.P. Nandagopal and K.V.Narayanan, Advocates for D15 to D18, and D1 to D3,D6 are reported no more, and D5,D9 to D11,D19 to D24 are called, absent, set ex parte, and this court passed the following:-

JUDGMENT

This is a suit for partition.

2. The plaintiffs' case, in brief, is as follows:-

The plaintiffs and defendants belong to the Nair community. The 1st property in the plaint B schedule was purchased by the plaintiffs' father, Mankili Sankaran Nair, and his sister Kalyani Amma in 1954. Sankaran Nair, who had a one-half interest in the 1st property in the plaint B schedule, died on 07/05/1985, and his interest in the property devolved on the plaintiffs and their mother, Janaki. When the plaintiffs' mother died, her interest in the property devolved on the plaintiffs.

3. The 2nd and 3rd properties in the plaint B schedule belonged to Sankaran Nair's father, Raman Nair, by virtue of sale deed no.727/1916 of the Ottapalam sub registrar's office. On Raman Nair's death, those properties devolved on Sankaran Nair and Kalyani Amma. On Sankaran Nair's death, his one-half interest in those properties devolved on the plaintiffs and their mother, Jankaki. On the plaintiffs' mother's death, her interest in the 2nd and 3rd properties in the plaint B schedule devolved on the plaintiffs. Sankaran Nair's sister Kalyani Amma had died 20 years before his death. On Kalyani Amma's death, her one-half interest in the plaint B schedule properties devolved on her children Kunjukutty Amma, Sivaraman Nair and Unni Nair. Defendant nos.1 to 5 are the children of Kunjukutty Amma, and defendant nos.9 to 11 are Kunjukutty Amma's son Prabhakaran's wife and children. Kunjukutty Amma had a daughter named Nalini. Nalini and Prabhakaran have died. Nalini was unmarried and childless at the time of her death. Prabhakaran's interest in the properties was inherited by defendants No.9 to 11. Defendant nos.6 to 8 are the children of Sivaraman Nair. They inherited Sivaraman Nair's interest in the

properties on his death. Kalyani Amma's son Unni Nair was unmarried and died without issue.

4. The plaintiffs together have a $36/72$ interest in the plaint B schedule properties, and defendant nos.1 to 5 together have a $15/72$ interest in them. Defendant nos.6 to 8 together have a $18/72$ interest in the plaint B schedule properties, and defendants nos.9 to 11 together have a $3/72$ interest in them. The 2nd defendant has been managing the properties on behalf of all the co-owners. He used to share the profits from the properties with the plaintiffs. However, for the past 6 months, he has not shared the profits from the properties with the plaintiffs. The 2nd defendant has recently been trying to sell the tress standing on the properties. Therefore, the plaintiffs requested him to partition the properties several times and sent a legal notice by registered post on 01/02/2016. Though the 2nd defendant received the legal notice, he has not agreed to partition the properties so far.

5. The 2nd defendant issued a reply to the notice sent by the plaintiffs. The statements made in the reply are false. The 2nd defendant claimed in the reply that Sankaran Nair had not married the plaintiffs' mother. The 2nd defendant stated in the reply that Sankaran Nair had been unmarried and that his interest in the properties had devolved on Kalyani Amma on his death. The 2nd defendant's claim that the defendants are the exclusive owners of the properties is false.

6. Mankili Sankaran Nair married the plaintiff's mother between 10:30 a.m. and 11:30 a.m. on Thulam 8, 1124 (M.E.) at the latter's ancestral home. The plaintiffs are the children of Sankaran Nair and Thanayamchath Jankaki Amma. The

plaintiffs stated in the legal notice sent by them that the plaintiffs' mother's family's name was Oruviamchath. It is only a clerical error. The annual profits from the plaint B schedule properties are 30,000/- rupees. The plaintiffs are entitled to 50% of the annual profits from the plaint B schedule properties. The plaintiffs want a partition of the properties by metes and bounds and 50% of the profits therefrom between the date of the suit and the date of the partition.

7. Defendant no.6 died midway through the proceedings, and his heirs were added to the suit as defendant nos.12 to 14. Defendant no.2 died midway through the proceedings, and her heirs were added to the suit as defendants nos.15 to 18. Defendant no.3 died midway through the proceedings. Defendant nos.1, 4 and 5 are the only heirs of defendant no.3. Defendant nos.1 and 5 were served with summonses. However, they did not come to court to defend the suit. The summons to the 11th defendant was affixed on a conspicuous part of her residence, and the date of ^{first} hearing was published in a local day. The 11th defendant did not come to court to defend the suit either. Therefore, the court ordered that the suit be heard in the absence of defendant nos.1, 5 and 11. Defendant nos.7, 8, 12, 13 and 14 filed written statements. Their contentions are as follows:- On Kalyani Amma's death, her one-half interest in the plaint B schedule properties devolved on Sivaraman Nair and Kunjukutty Amma. Sivaraman Nair had a one-fourth interest in the properties at the time of his death. Sivaraman Nair's interest in the properties devolved on his children Gopinathan, Vasanthi and Rohini on his death. Vasanthi and Rohini are the 7th and 8th defendants. Gopinathan was the 6th defendant, and he died midway

through the proceedings. Gopinathan's interest in the properties devolved on defendant nos.12 to 14 on his death. Defendant nos.12 to 14 together have a 6/72 interest in the plaint B schedule properties, and defendant nos.7 and 8 have a 6/72 interest each in them.

8. Defendant nos.15 to 18 filed a written statement. Their contentions are as follows:- The suit is not maintainable. It is true that the parties belong to the Nair community. Kalyani Amma's brother Sankaran Nair predeceased her. It is true that the 1st property in the plaint B schedule belonged to Kalyani Amma and her brother Sankaran Nair by virtue of sale deed no.586/1954 of the Ottapalam sub registrar's office. It is also true that the other properties in the plaint B schedule belonged to the father of Sankaran Nair and Kalyani Amma by virtue of sale deed no.727/1960 of the Ottapalam sub registrar's office. Those properties devolved on Sankaran Nair and Kalyani Amma on the death of their father. The statement that Sankaran Nair died on 07/05/1985 is false. Kalyani Amma's brother Sankaran Nair predeceased her and had remained a bachelor until his death. The plaintiffs' father Sankaran Nair was not Kalyani Amma's brother. Kalliyani Amma's brother's interest in the properties devolved on Kalyani Amma on his death. The plaintiffs have no right in the plaint B schedule properties. The 11th defendant's name is not Nisha. Her real name is Prathibha. These defendants do not know the plaintiffs' father. The 2nd defendant never shared the profits from the properties with the plaintiffs. The plaintiffs are not entitled to a share of the profits from the properties. The plaintiffs have exaggerated the profits from the plaint B schedule properties. The defendants

do not know if the plaintiffs' father married their mother at their mother's ancestral home. These defendants do not know the location of the 3rd property in the plaint B schedule. The suit is liable to be dismissed.

9. Defendant nos.4, 9 and 10 adopted the pleadings of defendant nos.15 to 18.

10. Defendant nos.15 to 18 filed an additional written statement with the court's permission. The contentions in the additional written statement are as follows:- According to deed no.2354/1941 of the Ottapalam sub registrar's office, Oravil Raman Nair and his brother Achuthan Nair mortgaged the properties covered by deed no.727/1960 of the Ottapalam sub registrar's office to Kalyani Amma and her brother Sivasankaran Nair by deed no.1460/1921 of the Ottapalam sub registrar's office. Kalyani Amma purchased those properties by deed no.1194/1941 of the Ottapalam sub registrar's office. The 2nd and 3rd properties in the plaint B schedule were farmlands. The family used the profits from those properties to purchase the 1st property in the plaint B schedule in 1954. Kalyani Amma, Sankaran Nair and Kalyani Amma's progeny constituted a Hindu undivided family, and the members of the family treated the plaint B schedule properties as the properties of their joint family. Therefore, even if the plaintiffs prove that they are the children of Kalyani Amma's brother Sankaran Nair, they will not get a one-half interest in the plaint B schedule properties.

11. The plaintiffs filed a replication. Their contentions in the replication are as follows:- The statements made in the additional written statement amount to a retraction of the admissions in the written statement. The defendants did not have

any right or reason to file an additional written statement. Kalyani Amma had never been the exclusive owner of the plaint B schedule properties. The properties have never belonged to a joint family consisting of Sankaran Nair, Kalyani Amma and Kalyani Amma's progeny. Deed no.2354/1941 does not pertain to the plaint B schedule properties. The statements in that deed are false.

12. The following issues were framed for trial:-

1. Whether the plaint B schedule properties are partible, and if so, what is the share of each party ?
2. Whether the plaintiffs are entitled to a share of the future profits from the plaint B schedule properties, and if so, what is the quantum ?
3. Relief and costs ?

13. The plaintiffs examined PWs1 to 3 and submitted in evidence Exta.A1 to A12. The defendants did not adduce any oral evidence. The documents submitted in evidence by defendant nos.15 to 18 were marked as Ext.B1 to B3.

14. **Issue nos.1 and 2**:-These issues are discussed together for convenience. The 1st plaintiff was examined as PW2. She testified that she was the daughter of Mankili Sankaran Nair and Thanayanchath Janaki. The deeds by which the properties were assigned to Raman Nair, Sankaran Nair and Kalyani Amma were tendered in evidence by the plaintiffs, and they were marked as Exts.A1 and A2. Exts.A4 is the 1st plaintiff's secondary school leaving certificate. The 1st plaintiff father's name, according to Ext.A4, is Sankaran Nair. M. The headmistress of Sree Sankara Oriental School was examined as PW3. She testified that Ext.A11 was a

certified copy of the page containing the entry pertaining to the 1st plaintiff's admission to her school. According to Ext.A11, the plaintiff's father's name is M. Sankaran Nair. Exts.A3 and A4 are respectively the death certificates of the plaintiff's father and mother. Ext.A3 shows that the plaintiff's father died on 07/05/1985. Ext.A4 shows that the plaintiff's mother died on 15/01/2005. Ext.A4 shows that the plaintiff's mother, Janaki Amma, was the wife of M. Sankaran Nair. Ext.A9 is an invitation to the 1st plaintiff's wedding reception. It shows that the 1st plaintiff is the daughter of Mankili Sankaran Nair.

15. The learned counsel for defendant nos.15 to 18 argued that the plaintiff's father was not the Mankili Sankaran Nair mentioned in deed no.586/1954 of the Ottapalam sub registrar's office. Defendant nos.15 to 18 say that the Kalyani Amma's brother Sankaran Nair (the Sankaran Nair mentioned in deed no.586/1954) had died 20 years before Kalyani Amma's death. The learned counsel for defendant nos.15 to 18 pointed out that deed no.586/1954 referred to Kalyani Amma and her brother Sankaran Nair as the children of Ambalavattath Mankili Kunjipennamma. He also pointed out that Sankaran Nair and Kalyani Amma belonged to Lakkidi. Ext.A3 lists 'Babu lodge, Palappuram' as the plaintiff's father's permanent address. Ext.A11 says that the plaintiff's father was a merchant at Palappuram. Ext.A9 says that the 1st plaintiff is the daughter of Mankili Sankaran Nair, Ottapalam. None of the documents tendered in evidence show that the plaintiff's father belonged to Lakkidi.

16. The 1st plaintiff testified that she had sojourned at her father's ancestral home during her school days. A friend of the plaintiff's father was examined as PW1. She testified that the plaintiff's father belonged to the Mankili family of Lakkidi. According to Ext.B1, Sankaran Nair's father, Oravil Raman Nair, and his paternal uncle Achuthan Nair mortgaged the properties covered by the sale deed in favour of Oravil Raman Nair (Ext.A2) to Sankaran Nair and his brother Sivasankaran Nair. There is no mention of a brother named Saivasankaran Nair in the pleadings. Moreover, Ext.A2 shows that Raman Nair was the sole assignee of the properties covered by it. Ext.B1 says that Raman Nair and Achuthan Nair mortgaged the properties by deed no.1460/1921 of the Ottapalam sub registrar's office. The defendants did not produce a certified copy of that mortgage deed before the court. According to Ext.B1, the mortgagors' interest in the properties (the right of redemption) was assigned to Kalyani Amma by deed no.1194/1941. The defendants did not produce a copy of that deed before the court either. Defendant nos.15 to 18 did not adduce any oral evidence. Therefore, an adverse inference under illustration (g) to section 114 of the Indian Evidence Act should be drawn against them. Defendant nos.15 to 18 have failed to prove that Oravil Raman Nair had sold the 2nd and 3rd properties in the plaint B schedule before his death.

17. The plaintiffs produced in court the title deeds of Kalyani Amma, Sankaran Nair and Oravil Raman Nair (Exts.A1 and A2). They could not have come into possession of those documents if they were not the children of the Sankaran Nair mentioned in Ext.A1. Ext.A10 is a certified copy of a deed executed by

Sankaran Nair and Kalyani Amma's children in 1973. Ext.A10 shows that Kalyani Amma had died before its execution. Therefore, it is clear that Kalyani Amma predeceased Sankaran Nair. The counsel for defendant nos.15 to 18 argued that the plaintiffs had failed to prove that Sankaran Nair had married Janaki Amma. What the learned counsel for defendant nos.15 to 18 was driving at was that the plaintiffs will not be entitled to a share of the properties if they are not the legitimate children of Mankili Sankaran Nair (see clause (j) of section 3 and section 8 of the Hindu Succession Act). The learned counsel pointed out that the plaintiffs had not examined anyone who witnessed the wedding. The first plaintiff (PW1) testified that her parents had got married in Thulam of 1124 (M.E.). It has been 75 years since the plaintiffs' parents got married. The plaintiffs' parents died a long time ago. It is doubtful if any of the people who witnessed the wedding are still alive. PW2 testified that she knew nothing about Sankaran Nair's wedding. Ext.A9 is invitation card to the 1st plaintiffs' wedding reception. It says that the 1st plaintiff is the daughter of Smt. and Sri.Mankili Sankaran Nair. An invitation to a wedding reception is a thing on which a statement regarding the relationship between the parents of the bride is usually made, and Ext.A9 was printed in 1976, a long time before the institution of the suit. Therefore, the statement regarding the relationship between the parents of the bride in Ext.A9 is relevant under subsection 6 of section 32 of the Indian Evidence Act. Ext.A4, the death certificate of Janaki Amma, says that she was the wife of M. Sankaran Nair. Exts.A9 and A4 and the testimony of PWs1 and 2 prove that Janaki Amma was the wife of Sankaran Nair.

18. The plaintiffs produced in court the title deeds of Oravil Raman Nair, Mankili Sankaran Nair and Mankili Kalyani Amma. They could not have come into possession of those documents if they were not the children of Mankili Sankaran Nair. Defendant nos.15 to 18 stated in the rejoinder that the plaint B schedule properties belonged to a Hindu undivided family consisting of Sankaran Nair, Kalyani Amma and Kalyani Amma's progeny. They also said that Kalyani Amma purchased the 2nd and 3rd properties in the plaint B schedule in 1941. The defendants did not produce a copy of that sale deed before the court. The defendants did not take the witness stand either. The defendants have failed to prove that the plaint B schedule properties belonged to a Hindu undivided family consisting of Sankaran Nair, Kalyani Amma and Kalyani Amma's progeny. The testimony of PWs1 and 2 and Exts.A9 and A4 prove that the plaintiffs' mother was the wife of Mankili Sankaran Nair. Their testimony and Exts.A9 and A11 prove that the plaintiffs are the children of Mankili Sankaran Nair and Thanayamchath Janaki Amma. Mankili Sankaran Nair was a close relative of the defendants. Defendant nos.15 to 18 claimed in their written statement that Sankaran Nair had been a bachelor until his death, but none of them took the witness stand. Therefore, an adverse inference under illustration (g) to section 114 of the Indian Evidence Act should be drawn against them. The learned counsel for defendant nos.15 to 18 pointed out that Sankaran Nair had been a farmer according to Ext.A10. The school admission register and the death certificate show that the plaintiff's father was a merchant at Palappuram. The learned counsel also pointed out that the plaintiffs had failed to

produce before the court photographs taken at the weddings in their family. The failure to produce the photographs and the fact that the plaintiff's father is described as a merchant in the death certificate and the school admission register do not mean that the plaintiffs are not the children of Kalyani Amma's brother Sankaran Nair.

19. The documents submitted in evidence by the plaintiffs show that the first plaintiff is the daughter of Mankili Sankaran Nair. Ext.A1 refers to Sankaran Nair and Kalyani Amma as the children of Ambalavattath Mankili Kunjipennamma. Ext.A10 refers to Sankaran Nair as the son of Padinjare Mankili Kunjipennamma. The counsel for defendant nos.15 to 18 argued that the Mankili family was different from the Ambalavattath Mankili family, also known as the Padinjare Mankili family. The learned counsel's argument does not hold water. The word "padinjare" is not used in Ext.A1, and the word "ambalavattath" is not used in Ext.A10. Therefore, it is clear that the family's name is Manikili and "padinjare" and "ambalavattath" are occasionally-used adjectives. The counsel for defendant nos.15 to 18 alleged during PW2's cross-examination that defendant nos.6 to 8, whose mother belonged to the Thanayamchath family, had given Ext.A2 to the plaintiffs. There is not an iota of evidence that defendant nos.6 to 8 gave Ext.A2 to the plaintiffs. The preponderance of probabilities is overwhelmingly in the plaintiffs' favour. The plaintiffs are the children of Sankaran Nair. Therefore, they have a one-half interest in the plaint B schedule properties. There is no dispute regarding the devolution of Kalyani Amma's interest in the properties. The interest which each party has in the properties is correctly stated in the plaint and the written statements of defendant

nos.7, 8, 12, 13 and 14. The enquiry regarding profits shall be relegated to the final decree stage. The first and second issues are answered accordingly.

20. **Issue No.3:-** In view of the answers to the foregoing issues, a preliminary decree is passed in the following terms:-

1. The plaint B schedule properties shall be divided into 72 equal shares, and 36 such shares shall be allotted to the plaintiffs.
2. 6 shares shall be allotted to defendant no.7 if she pays the requisite court fee.
3. 6 shares shall be allotted to defendant No.8 if she pays the requisite court fee.
4. 6 shares shall be allotted to defendant nos.12 to 14 if they pay the requisite court fee.
5. 18 shares shall be allotted to defendant nos.1 to 5 and 9 to 11 if they pay the requisite court fee.
6. The costs of the suit shall come out of the estate.
7. The division of the properties by metes and bounds shall be carried out in the final decree stage.
8. The enquiry regarding profits is relegated to the final decree stage.

(Dictated to the Confidential Assistant, typed by him, and corrected and pronounced by me in open court, this the 22nd day of November, 2023).

Munsiff

APPENDIX:Plaintiffs' witness Examined :

PW1 : Subaidha
PW2 : Hymavathi.
PW3 : N.Indulekha

Plaintiffs' Exhibits marked:

A1 : 12.04.1954 : Copy of assignment deed no.586/1954.
A2 : 24.03.1916 : Original assignment deed.
A3 : 14.10.1986 : Original death certificate.
A4 : 31.05.2005 : Original death certificate.
A5(a) : 01.02.2016 : Copy of lawyer notice.
A5(b) : 01.02.2016 : Postal receipt.
A6 : 06.02.2016 : Reply notice.
A7 : 31.03.1970 : Original SSLC Book no.274409.
A8 : 15.11.1976 : School Admission register no.1088.
A9 : ----- : Wedding reception card.
A10 : 09.02.1973 : Copy of Kanam Assignment deed no.338/1973.
A11 : ----- : True copy of school admission register.
A12 : 17.02.1999 : Original Kanam Assignment deed no. 601/1999.

Defendants' Witness Examined: NIL

Defendants' Exhibits Marked:

- B1 : 18.10.1941 : Copy of Kanam deed no. 2354/1941.
- B2 : 06.01.1978 : Original application for recovery of arrears of rent application no. 221/1978.
- B3 : 20.05.1942 : Original of petition of Kalyaniamma and reply order of Devaswam Manager.

Munsiff.