

IN THE COURT OF THE MUNSIFF OF OTTAPALAM

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

Wednesday 06th day of August, 2025

15th day of Sravana, 1947. S.E.

ORIGINAL SUIT NO.103/2024.

- | | | |
|--|---|------------|
| <p>1. Appukunju Gupthan, aged 86 years, S/o. Ramankutty Gupthan,
Mannathamkulangara Veetil, Pullundassery Amsom, Desom,
Kadampazhipuram.P.O., Kadambazhipuram I Village,
Ottapalam Taluk, Palakkad District., Pin-678633.</p> <p>2. Ramakrishnan Gupthan, aged 78 years, S/o. Ramankutty Gupthan,
Mannathamkulangara Veetil, Pullundassery Amsom, Desom,
Kadampazhipuram.P.O., Kadampazhipuram I Village,
Ottapalam Taluk, Palakkad District., Pin-678633.</p> | } | Plaintiffs |
|--|---|------------|

-Vs.-

- | | | |
|---|---|------------|
| <p>1. Narayanankutty Gupthan, S/o. Ramankutty Gupthan,
Mannathamkulangara Veetil, Pullundassery Amsom, Desom,
Kadampazhipuram.P.O., Kadampazhipuram I Village,
Ottapalam Taluk, Palakkad District., Pin-678633.</p> <p>2. Kunju Gupthan, aged 74 years, S/o. Ramankutty Gupthan,
Mannathamkulangara Veetil, Pullundassery Amsom, Desom,
Kadampazhipuram.P.O., Kadambazhipuram I Village,
Ottapalam Taluk, Palakkad District., Pin-678633.</p> | } | Defendants |
|---|---|------------|

.....

This suit coming on this day for final hearing before me in the presence of Sri.N.R. Mahadevan and M. Krishnadas, Advocates for plaintiffs, and Sri.K.K. Narayanan, and Smt. Radhika.M, Advocates for D2, and D1 is not entered in appearance, 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 are Hindus governed by the Hindu Succession Act. The defendants are the plaintiffs' brothers. The plaintiff schedule property belonged to the

joint family consisting of the parties' father Ramankutty Moothan, paternal uncle Kunjunni Moothan and grandfather Krishnan Moothan. The plaint schedule property was allotted to the parties' father in the partition of the family's properties in 1940. On the father's death, the plaint schedule property devolved on the plaintiffs and defendants. The 1st plaintiff instituted a suit for partition of the properties inherited from the father in this court in 1993 and that suit was numbered as O.S. 182/1993. The court made the final decree in that suit on 19.3.1999. Though the court divided the other properties inherited from the father, the plaint schedule property was retained as the common property of the parties. The parties have one-quarter interest each in the plaint schedule property. The plaintiffs demanded partition of the plaint schedule property on 20.1.2024, but the defendants refused to partition it. Hence, this suit.

3. The defendants were served with summonses, but the 1st defendant did not come to court to defend the suit. Therefore, the court ordered that the suit be heard in his absence. The 2nd defendant admitted the plaint claim.

4. The 1st plaintiff was examined as PW1, and the document submitted in evidence by the plaintiffs were marked as Exts.A1 and A2.

5. Heard the plaintiffs' counsel and the counsel for the 2nd defendant.

6. PW1 testified in tune with the contents of the plaint. Ext.A2 is a certified copy of the final decree in O.S. 182/1993, and Ext.A1 is a certified copy of the report of the commissioner who divided the properties in that suit. Ext.A2 shows that the property in schedule E of Ext.A1 is the common property of the parties. This is a suit for partition of that property. PW1's testimony and the documents submitted in evidence prove the plaintiffs' case. Therefore, a preliminary decree is passed in the following terms :-

1. The plaint schedule property shall be divided into 4 equal shares
and the plaintiffs shall be allotted one share each.
2. The defendants shall be allotted one share each if they pay the requisite court fee.
3. The division of the property by metes and bounds shall be carried out in
the final decree stage.
4. The costs of the suit shall come out of the estate.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court, on this, the 6th day of August, 2025.

Munsiff

APPENDIX:-

Plaintiffs' Witness Examined:

PW1 : Appukunju Gupthan.

Plaintiffs' Exhibits Marked:

A1 : 05.03.1999 : Certified copy of Commissioner's report submitted.

A2 : 19.03.1999 : Certified copy of order in final decree IA.1076/1994.

Defendants' Witness and Exhibits: NIL.

Munsiff