

IN THE COURT OF THE MUNSIFF-MAGISTRATE, PATTAMBI

Present:- Smt.Neema Noor Mohamed, Munsiff-Magistrate

Thursday, the 10th day of July, 2025/19th Ashada, 1947 S.E.

ORIGINAL SUIT No.45/2019.

Between:-

1. Meenakshi, age 70 years, D/o.Erechan, Madathilvalappil House, Pookkarathara Desam, Kololambu Amsam, Kololambu P.O, Ponnani Taluk, Malappuram District, PIN-679576. (Died) : Plaintiffs

SUPPLEMENTAL:-

2. Raman, S/o.Karappan, age 79 years, Kadumayil Veettil, Pookkarathara, Kololambu P.O, Ponnani Taluk.
3. Girija, age 60 years, D/o.Meenakshi, Madathilvalappil (H), Moorchira, P.O.Kaladi, Ponnani Taluk, PIN-679582
4. Valsalan, age 58 years, S/o.Meenakshi, Madathilvalappil House, Kololambu, Pookkarathara, Kololambu P.O, Ponnani Taluk.
5. Shailaja, age 58 years, W/o.Sundaran, Kadumayil Parambil, Kololambu, Pookkarathara, Ponnani Taluk, Malappuram District.
6. Dasan, age 54 years, S/o.Meenakshi, Madathilvalappil (H), Pookkarathara (PO), Edappal, Ponnani Taluk, Malappuram District.
7. Rajeesh, age 51 years, S/o.Meenakshi, Madathilvalappil (H), Pookkarathara, Edappal (PO), Ponnani Taluk, Malappuram District.
8. Shaji PT, age 49 years, S/o.Meenakshi, Kadumayil Veettil, Kololambu P.O, Pookkarathara, Ponnani Taluk.

Impleaded & amended as per order in IA 1237/24, dated 07/01/2025

And:-

1. Selvaraj, age 56 years, S/o.Velayudhan, Ettimadai S P L Panchayath, 6.V.O.C Street, Coimbatore, Tamil Nadu, PIN-641105 (Died) : Defendants
2. Sasikala, age 55 years, D/o.Velayudhan, Kattur House, Cheruthuruthi Amsam-Desam, P.O. Cheruthuruthi, Thrissur Taluk, Thrissur District, PIN-679531

3. Anilkumar, age 51 years, S/o.Velayudhan, Ettimadai Village, Street N A.61, Coimbatore, Tamilnadu, PIN-641105
4. Sooryakala, age 50 years, D/o.Velayudhan, Chembra Njalil House, Thrithala Amsam-Desam, Pattambi Taluk, Njangattiri, PIN-679303
5. Sharmila, age 49 years, D/o.Velayudhan, Valayanad Amsam-Desam, P.O.Guruvayurappan College, Kozhikkode Taluk
6. Pankajakshi, age 50 years, D/o.Krishnan, Pollachi, 10/7, Quarters, Pollachi, Coimbatore, PIN-642001
7. Rajasekharan, age 50 years, S/o.Krishnan, Devan padi, Madhuraiveeran Kovil, Street No.4, Coimbatore

SUPPLEMENTAL:-

8. Syamala Selvaraj, age 55 years
9. Ranju, age 27 years
10. Chinju, age 25 years

Supplemental defendants 8 is the wife and 9 to 10 are the children of Selvaraj, Ettimadai, S P L Panchayath, 6.V.O.C Street, Coimbatore, Tamil Nadu, PIN-641105.

Impleaded & amended as per order in IA 886/22 and IA 887/22, dated 05/12/2022

This suit coming on 07/07/2025 for final hearing before me in the presence of Sri.PP Mohandas & Sri.TK Suresh, advocates for the plaintiffs and the defendants called absent set exparte and after having stood over for consideration till this day this court delivered the following.

JUDGMENT

Suit is one for partition.

2. Plaintiff averments in brief are as follows: The plaintiffs and defendants belongs to Hindu Thiyya community. Plaintiff B schedule is showing their genealogy. Plaintiff A schedule properties were devolved upon the father of 1st plaintiff namely Erechan by virtue of document Nos. 816/1928 and 1261/1936 of SRO, Kumaranellur. Erechan

died in the year 1949. The children of Erechan namely Velayudhan and Krishnan both died. Thereafter the properties were partitioned between the 1st plaintiff and legal heirs of Velayudhan and Krishnan by virtue of partition deed No. 1747/2015 of SRO, Kumaranellur. The 1st to 5th defendants are the children of son of Erechan namely Velayudhan. The 6th and 7th defendants are the children of another son of Erechan namely Krishnan. The 6th party in the said partition deed, Pamila died issueless after the partition. Therefore the share of Pamila devolved upon 1st to 5th defendants. The plaintiff is entitled to 1/3 share in the plaint A schedule property. The 1st to 5th defendants are together entitled to 1/3 share, 6th and 7th defendants together entitled to 1/3 share in the plaint A schedule property. The cause of action arose when the plaintiff demanded to partition the plaint A schedule property to which defendants refused the same. Hence the suit for partition.

3. Notice was issued to defendants. The 1st, 2nd and 4th defendants appeared before the court but did not file written statement. Thereafter 1st defendant reported no more. 3rd defendant not appeared before the court. 5th and 6th defendant appeared before the court but did not file any written statement. The legal heirs of 1st defendant were impleaded as supplemental 8th to 10th defendants and the suit amended vide IA. 886/2022 and 887/2022 dated 05/12/2022. Notice served upon 8th to 10th defendants but they did not appear before the court. Thereafter counsel for plaintiff reported plaintiff no more. The legal heirs of plaintiff were impleaded as supplemental 2nd to 8th plaintiffs and the suit was amended accordingly vide IA 1237/2024 dated 07/01/2025.

The counsel for 1st, 2nd and 4th defendants reported no instruction. Hence the proceedings were heard exparte against all the defendants.

4. Now the only point that arise for consideration is:

1. Whether the plaintiff is entitled for the reliefs sought?

5. **Point No. 1:-** From the side of plaintiffs, the supplemental 7th plaintiff was examined as PW1. PW1 filed an affidavit in lieu of examination in chief and Ext. A1 was marked. Exhibit A1 is the original partition deed No. 1747/2015 of SRO, Kumaranellur. According to PW1, the plaint A schedule properties are in the joint possession of plaintiffs and defendants. The 1st plaintiff is entitled to 1/3 share in the plaint A schedule property. The 1st to 5th defendants are together entitled to 1/3 share, 6th and 7th defendants together entitled to 1/3 share in the plaint A schedule property. As the evidence of PW1 remains unchallenged and uncontroverted the plaint claim stands proved from the oral and documentary evidence adduced from the side of plaintiffs.

In the result, suit is decreed and preliminary decree is passed as follows:

- 1. The plaint A schedule properties shall be divided into 3 equal shares by metes and bounds.**
- 2. The 1st plaintiff is entitled to get 1/3 share in the plaint A schedule property. The share of the 1st plaintiff shall be separately allotted to his legal heirs 2nd to 8th plaintiffs.**
- 3. The 2nd to 5th defendants and legal heirs of 1st defendant (i.e.**

supplemental 8th to 10th defendants) are together entitled to get 1/3 share in the plaint A schedule property. Their share shall not be separated for want of court fee.

4. The 6th and 7th defendants together entitled to 1/3 share in the plaint A schedule property. Their share shall not be separated for want of court fee.

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

6. Any party who remitted court fee may apply for passing the final decree.

7. Case posted to 05/08/2025 for taking steps for passing final decree.

Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 10th day of July, 2025.

Sd/-
Munsiff

Witness examined on Plaintiff's side :-

PW1 - 24/06/2025 - Rajeesh

Exhibits marked on plaintiff's side :-

A1 - 30/10/2015 - Certified copy of Partition Deed No.1747/15 of Sub Registrar Office, Kumaranellur

Witness examined & Exhibits marked on Defendant's side :- Nil

Sd/-
Munsiff

*Copied by : Rajesh M
Compared by : Brijimol KS*

(True Copy)

Munsiff

Fair/Copy of Judgment in
O. S. No. 45/2019
Dated: 10/07/2025.