

IN THE COURT OF THE MUNSIFF-MAGISTRATE, PATTAMBI

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

Thursday, the 08th day of January, 2026/ 18th Pousham, 1947 S.E.

**I.A. No.04/2025(1375/2025) IN
ORIGINAL SUIT No.98/2020**

Between:-

Radha, W/o. Krishnankutty,
Pallath Padi House, Pulassery Post,
Koppam Village, Pattambi Taluk.

: Petitioner
4th Defendant

And:-

1. Suchitra, D/o. Pallath Kizhakkethil Leela,
Pulassery Post, Koppam Village,
Pattambi Taluk.
2. Velayudhan, S/o. Pallath Kizhakkethil Ayyappan,
Pulassery Post, Koppam Village,
Pattambi Taluk.
3. Velappan, S/o. Pallath Kizhakkethil Ayyappan,
Pulassery Post, Koppam Village,
Pattambi Taluk.
4. Anitha, W/o. Unnikrishnan,
Kakkadkundu Colony, Varavur Post,
Pulinchodu, Thrissur District.
5. Govindan, S/o.Pallathpadi Koran,
Pulassery Post, Koppam Village,
Pattambi Taluk.
6. Vilasini, D/o.Pallathpadi Koran,
Pulassery Post, Koppam Village,
Pattambi Taluk.

: Respondents
Defendants 1 to 3,5,6
and Suppl. defendant 2

This petition coming on this day for final hearing before me in the presence of Sri.Jamal Alur, Advocate for the petitioner and of Sri.Varun.R, Advocate for the respondents and this court on the same day passed the following.

ORDER

This application is filed by the 4th defendant at the stage of trial, when this Court had already directed the 4th defendant to commence adducing evidence. It is relevant to note that, in the suit for partition, the 4th defendant has set up an independent claim over certain portions of the plaint schedule property on the basis of an alleged oral gift and adverse possession.

2. The reason stated for filing the present application is that the 4th defendant seeks to explain certain aspects which are already pleaded in his written statement. On the other hand, the plaintiffs and the other respondents have filed a counter opposing the application, contending that the reasons shown are insufficient, that the application is highly belated, and that allowing the same would cause prejudice to the parties.

3. On a consideration of the factual matrix of the case, the nature of the suit, and the written statement filed by the 4th defendant as early as on 15/12/2025, this Court finds that the pleadings already contain elaborate assertions, specific denials, and the defence set up by the 4th defendant with respect to oral gift and adverse possession. The present application, in substance, seeks only to further explain or reiterate what has already been pleaded.

4. At this stage of the trial, particularly when the suit is at the fag end and pending since the year 2020, permitting such an application would serve no useful purpose. Reiterating or elaborating upon already pleaded facts does not advance the adjudication of the matter and is not warranted once the pleadings are complete and the matter has proceeded to the stage of evidence. In view of the above, this Court is not inclined to allow the present application, as it is unnecessary and unwarranted at this advanced stage of the proceedings. Accordingly, the application is dismissed.

In the result, IA dismissed.

Pronounced by me in open court, this the 8th day of January, 2026.

Sd/-
Munsiff

Witness examined & Exhibits marked on both sides : Nil

Sd/-
Munsiff.

Copied by : Sulochana.M
Compared by : Sivadasan.M.V.

(True copy)

Munsiff

Fair/Copy of Order
I.A.No.04/2025 (1375/2025)
in O.S.No. 98/2020
Dated: 08.01.2026