

IN THE COURT OF THE MUNSIFF-MAGISTRATE, PATTAMBI

Present:- Smt. Asha.K. N., Munsiff-Magistrate

Saturday the 29<sup>th</sup> day of February, 2020/10<sup>th</sup> Phalguna, 1941 S.E.

**ORIGINAL SUIT No. 237/2017**

**Between:-**

Sunitha, Age-41 years, : Plaintiff  
W/o.Manikandan, Mangalamkottil House,  
Thirumittakode Amsam Nellikkattiri Desam,  
Nellikkattiri.PO., Thirumittakode Panchayath,  
Pattambi Taluk.

**And:-**

1. Sivadasan, Age-45 years, : Defendants  
S/o.Krishnan, Maniproth House,  
Thirumittakode Amsam Nellikkattiri Desam,  
Nellikkattiri.PO., Thirumittakode Panchayath,  
Pattambi Taluk.
2. Nirmala, Age-49 years  
W/o.Sivadasan, Kumbrottil House,  
Plappatta.PO., Cherpulassery.

This suit coming on 28/02/2020 for final hearing before me in the presence of Sri.T.K.Suresh & Smt.A.P.Siji, Advocates for plaintiff and of Sri.C.G.Hari, Advocate for D2. D1 served called absent set exparte, after having stood over for consideration till this day and this court delivered the following:

## JUDGMENT

Suit is for partition.

2. Plaint averments in brief are as follows:- Plaintiff A schedule property obtained by father of plaintiff and defendants named Krishnan as per deed No. 1286/1986 of Akkikkavu SRO. Aforesaid Krishnan died on 28/02/2016 and his wife died on 28/06/2017. Plaintiff and defendants are their only legal heirs. There is a house situated in plaint A schedule property which was rent out for Rs. 2500/- per month. 1<sup>st</sup> defendant is receiving rent on behalf of all co-owners. Plaintiffs spent money for repairing the house situated in plaint A schedule property. She demanded partition of plaint A schedule property to the defendants several times. But they are not ready. Hence the suit.

3. 2<sup>nd</sup> defendant filed written statement admitting that plaint A schedule property is partible. 1<sup>st</sup> defendant was set exparte.

4. Plaintiff filed proof affidavit and examined as PW1. Exhibits A1 to A4 were marked. Ext. A1 is the certified copy of deed No. 1286/1986 of Akkikkavu SRO. Exhibit A2 series are the copy of lawyer notice and its postal receipts issued by plaintiff to defendants demanding partition. Exhibit A3 series are the acknowledgment cards. Exhibit A4 is the reply notice issued by defendant No.2 to plaintiff. There is no contra evidence. Hence the plaint claim stands proved from the oral and documentary evidence of plaintiff.

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

1. Plaint A schedule property shall be divided into 3 equal shares by metes and bounds.
2. Plaintiff is entitled to 1/3 share and her share shall be separated.
3. Plaintiff is also entitled to get share of profit from 1<sup>st</sup> defendant. The quantum of which shall be determined at the time of final decree proceedings.

4. Defendant Nos. 1 and 2 are entitled to 1/3 share each in plaint A schedule property.
5. The share of defendant No.2 shall be separated.
6. Any party who has remitted court fee may apply for passing final decree.
7. The costs of the suit shall come from the estate.
8. Suit is adjourned sine-die.

*Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 29<sup>th</sup> day of February, 2020.*

Sd-  
Munsiff.

Witness examined on Plaintiffs' side :

PW1            -28-02-2020-            Sunitha.

Witness examined on Defendants' side : Nil

Exhibits marked on Plaintiffs' side :

A1	-08-08-1986-	Certified copy of assignment deed No.1286/1986 of SRO.Akkikkavu.
A2(a)	-02-08-2017-	Registered Lawyer notice.
A2(b)	-03-08-2017-	Postal Receipt.
A2(c)	-03-08-2017-	Postal Receipt.
A3(a)	-04-08-2017-	A/d Card.
A3(b)	-14-08-2017-	A/d Card.
A4	-17-08-2017-	Reply Notice.

Exhibits marked on Defendants' side : Nil.

Sd-  
Munsiff.

Copied by : Subrahmanian.T.

Compared by : Madhusoodanan.K.