

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
 Thursday the 27th day of October, 2022
 5th day of Karthika, 1944 S.E.

ORIGINAL SUIT No: 216/2016

Rugmani, aged 72 years, : Plaintiff
 W/o.Velayudhan, Kaithapparachalla,
 Valiyavallampathy Village, Chittur Taluk

Vs.

- 1 Parvathy, aged 65 years, : Defendants
 W/o.Narayanan, Keeriyampallam,
 Ozhalappathy Village, Chittur Taluk
- 2 Subhadra, aged 63 years,
 W/o.Raju, Kunnukadu,
 Elappully Village, Palakkad Taluk
 (Amended as per order in I.A.No.1288/2022
 dated 08-07-2022)
- 3 Natarajan, aged 60 years,
 S/o.Andu, Cheriyaalliyambara,
 Vadakarappathy Village, Chittur Taluk
- 4 Krishnan.A, aged 58 years,
 S/o.Andu, 2/314, Gandhi Colony,
 Sengalipalayam, N.G.G.O.Colony Post,
 Coimbatore, Pin-641022

This suit is coming on this day for hearing before me in the presence of Sri.K.Ramakrishnan and Sri.N.S.Bivin, Advocate for the plaintiff and of Sri.Abuthahir.M, Advocates for the 1st , 2nd and 4th defendants, 3rd defendant called absent set exparte and the court delivered the following:-

J U D G M E N T

Suit for partition.

2. Plaintiff averments in brief are as follows :- The defendants are the brothers and sisters of the plaintiff. The plaintiff and defendants belong to Hindus and they are followed by Hindu Law of Succession. The plaintiff schedule property is obtained by the father of plaintiff and defendants by virtue of purchase certificate bearing No.5068/1976 of Land Tribunal, Chittur. The father of the plaintiff and defendants Sri.Aandu died about 38 years ago, and their mother Kannu died before the death of Aandu. After the death of father and mother, the plaintiff schedule property devolved upon the plaintiff and defendants jointly. The plaintiff has 1/5 right and defendants have 1/5 share right each in the plaintiff schedule property. The plaintiff is not willing to be in joint possession of the plaintiff schedule property. Hence the plaintiff approached the defendants for his separate share in the plaintiff schedule property, but the defendants did not heed to the demand of the plaintiff. Hence the suit.

3. Though summons were served on the defendants entered appearance. The 3rd defendant filed written statement denying the averments in the plaint. The counsel for the 3rd defendant reported no instruction for the 3rd defendant. The 3rd defendant were called absent and set *ex parte*. Defendant Nos.1, 2 and 4 admitted the plaintiff claim.

4. To prove the plaintiff claim, plaintiff was examined as PW1 and he filed proof

affidavit in lieu of chief-examination and Exts.A1 to A3 were marked. No contra evidence were tendered on the side of the defendants. The unchallenged testimony of the plaintiff as PW1 and Exts.A1 to A3, the suit is decreed and a preliminary decree for partition is passed as follows :-

In the result, the suit is decreed and a preliminary decree for partition is hereby passed as follows :-

- 1) That the plaint schedule property be divided into 5 equal shares by metes and bounds and plaintiff is allotted with 1/5 shares; and defendants 1 to 4 are allotted with 1/5 each shares; and they are entitled for separation and allotment of shares only on payment of requisite court fee;
- 2) Cost of the suit shall come out of the estate;
- 3) Any of the parties paying Court fee be entitled to apply for passing of final decree;
- 4) Suit is adjourned sine die;

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 27th day of October, 2022.

Munsiff.

Plaintiff's Witness Examined :

PW1 : Rugmani

Plaintiff's Exhibits :

- A1 14-10-1976 : Purchase Certificate No.5068/1976 issued from Land Tribunal Chittur in the name of Andu
- A2 18-02-2016 : Lawyer Notice sent by advocate K.Ramakrishnan
- A2(a) 18-02-2016 : Postal receipt
- A2(b) Acknowledgement card
- A3 06-10-2022 : Death Certificate of Andu issued by Secretary Vadakarappathy Gramapanchayath

Defendants Witness and Exhibits: NilCourt Witness and Exhibits : Nil

Munsiff.

Typed by : Sreela.K.S,
Compared by : Santhosh.C

Fair / Copy of Judgment in
O.S.No.216/2016
Dated : 27/10/2022
