

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Tuesday the 17th day of December, 2024
26th day of Agrahayana, 1946 S.E.

ORIGINAL SUIT No: 372/2019

- 1 Ramadas, aged 61 years, S/o.Ramakrishnan, : Plaintiff
Maruthalakalam Veedu,
Peruvembu Village, Palakkad Taluk.
Now residing at R.S.Puram,
Coimbatore, Tamil Nadu.
Transposed Plaintiff No.2
- 2 Mohandas, aged 59 years, : Transposed Plaintiff
S/o.Ramakrishnan, Door No.10/16 (House),
Near Kairali Gardens, Karimannu,
Valiyavallampathy Village, Chittur Taluk.
(Defendant, Transposed as Plaintiff No.2 as
per order in I.A.No.3207/2024
dated : 09-12-2024)

This suit is coming on this day for hearing before me in the presence of Sri.V.Satheesh, Advocate for the 1st plaintiff and of Sri.P.Govindanunni, Advocate for the Transposed plaintiff No.2 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 defendant is the younger brother of the plaintiff. The plaintiff and defendant jointly purchased the plaintiff schedule property by virtue of document No.2317/2011 of S.R.O.Kozhinjampara, and the plaintiff and defendants are in joint possession

and enjoyment of the same. The plaintiff and defendant have 1/2 share right in the plaint schedule property. The plaintiff is now residing at Coimbatore with his family. The plaintiff occasionally visits the plaint schedule property. The plaintiff applied for educational loan for his daughter from the Canara bank, Kozhinjampara Branch by mortgaging the property. The defendant is obstructing the plaintiff and his family, visiting the plaint schedule property. Defendant went to the bank and attempted to stop the sanctioning of the loan to the plaintiff. The harassment continued and the plaintiff demanded allotment of his separate share in the plaint schedule property to the defendant. The defendant did not heed to the demand of the plaintiff. Hence the suit.

3. On the listed day for evidence there was no representation on the side of the plaintiff. Plaintiff was called absent and set ex parte. The defendant in the suit filed I.A.No.3207/2024 to transpose the defendant to plaintiff. The petition was allowed on 9-12-2024. Defendant present. I.A.No.3207/2024 is allowed.

4. To prove the case of the transposed plaintiff, PW1 filed proof affidavit in lieu of chief examination of transposed plaintiff, and the documents produced were marked as Ext.A1 to A4. No contra evidence tendered. The unchallenged evidence of PW1 and the documents marked as Exts.A1 to A4 are accepted.

The affidavit along with the documentary evidence proved the case of the plaintiff.

5. Transposed plaintiff paid entire amount to the plaintiff as per Ext.A1 bank statement. Hence entire plaint schedule property is to be allotted to the transposed plaintiff.

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

- 1) That the plaint schedule property is divided into 2 equal shares by metes and bounds and transposed plaintiff is entitled to 2/2 shares in the plaint schedule property, and the transposed plaintiff is entitled for separate and allotment of entire share in the plaint schedule property only on the payment of requisite court fee;
- 2) Costs 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.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 17th day of December, 2024.

Munsiff

Plaintiff's Witness Examined:

PW1 : Mohandas

Plaintiff's Exhibits:

- | | | | |
|----|------------|---|--|
| A1 | 03-08-2023 | : | Bank Statement for the period from 01-11-2018 to 15-11-2018 |
| A2 | 06-04-2006 | : | Certified copy of Jenm Assignment deed No. 687/2006 of SRO Kozhinjampara |
| A3 | 21-12-1990 | : | Certified copy of Jenm Assignment deed No.820/1990 of SRO Kozhinjampara |
| A4 | 02-11-2018 | : | Certified copy of Joint Release deed No. 1474/2018 of SRO Kozhinjampara executed by Rajan and others in favour of Mohandas |

Defendants Witness and Exhibits : Nil

Munsiff

Typed by : Sreela.K.S
Compared by : Dhanalakshmi

Fair / Copy of Judgment in
O.S.No.372/2019
Dated : 17/12/2024
