

IN THE COURT OF THE MUNSIFF OF ALATHUR
Present:- Sri.Binu.P., Munsiff, Alathur

Thursday, 27th day of July, 2023
(5th day of Sravana, 1945 S.E)

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ORIGINAL SUIT No.106/2023

Neela, aged 71 years, D/o Late Pazhaniyandi, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721. } Plaintiff

Vs.

1. Krishnan, aged 55 years, S/o Late Kochan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
 2. Sabareerajan, aged 43 years, S/o Late Maniyan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
 3. Saravanan, aged 40 years, S/o Late Maniyan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
 4. Satheesh, aged 35 years, S/o Late Maniyan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
 5. Sakunthala, aged 32 years, D/o Late Maniyan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
 6. Sangeetha, aged 30 years, D/o Late Maniyan, residing at Mangalathu House, Padinjare Thara, Kuthanur P.O, Alathur Taluk, Pin-678 721.
- } Defendants

This suit is coming on 15th day of July, 2023 for final hearing before me in the presence of Sri.K.Nandakumar, Advocate for the plaintiff and defendants were called absent set exparte, and having stood over to this day for consideration this Court delivered the following.

J U D G M E N T

Suit for partition.

2. Plaintiff allegations in brief is as follows :-

Plaint schedule properties were in the right and possession of Pazhaniyandi by virtue of assignment deed bearing No.6/1966 of SRO, Kuzhalmannam. After the demise of Pazhaniyandi and his wife Kunju the properties devolved upon their children viz., plaintiff, Kochan and Kuncha. After the demise of Kochan and Kuncha, their right devolved upon their children viz., Parvathi, Maniyan and Krishnan. After the death of Maniyan and Parvathi their right upon the property devolved upon defendants 2 to 6. Plaintiff is residing away from the plaintiff schedule property along with her family. The defendants are residing in the house constructed in the plaintiff schedule property without the consent and knowledge of the plaintiff. Things are being so, the plaintiff demanded partition of the property, but the defendants not amenable for partition of the same. Hence the suit for partition of the plaintiff schedule property.

3. Defendants were called absent and set exparte. The plaintiff was examined as PW1 and exhibit A1 was marked. Exhibit A1 is the certified copy of the assignment deed No.6/1966 of SRO, Kuzhalmannam. Plaintiff filed proof affidavit in support of her averments in the plaintiff. The unquestioned testimony

of PW1 coupled with exhibit A1 prove the case of the plaintiff that she is entitled to get the relief as prayed for.

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

- i. The plaint schedule property is found to be partible,
- ii. The plaint schedule property shall be divided into 3 (three) equal shares.
- iii. Plaintiff and the first defendant are entitled to get 1/3 share each by separating right and possession over plaint schedule property.
- iv. The defendant Nos.2 to 6 are entitled to get 1/3 share jointly by separating right and possession over plaint schedule property.
- v. Any of the parties, who shall deposit sufficient court-fee shall be entitled to apply for passing final decree.
- vi. The costs of the suit shall come out of the estate.

Dictated to Confidential Assistant transcribed and typed by him, corrected and pronounced by me in open court on this the 27th day of July, 2023.

Munsiff

APPENDIX:-

Plaintiff's Witness Examined:-

PW1 : Neela.

Plaintiff's Exhibits Marked :-

A1 04.01.1966 : Copy of Assignment Deed No.6/1966 of SRO,
Kuzhalmannam.

Defendants Witness & Exhibits :- NIL

Court Witness & Exhibits :- NIL

Munsiff

Typed by : Sudha.M.V
Compared by : Sabitha.M

Fair/Copy of Judgment

in O.S.106/2023

Dated :27.07.2023