

IN THE COURT OF THE MUNSIFF OF ALATHUR
Present:- Sri.Bigu.K.G., Munsiff, Alathur

Tuesday, 15th day of November, 2022
(24th day of Karthika, 1944 S.E)

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ORIGINAL SUIT No.143/2018

Balasubramanian, aged 46 years, S/o Late Chathi,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

Plaintiff

Vs.

1. Valli Amma, aged 67 years, W/o Late Chathi,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

2. Rugmani, aged about 39 years, D/o Valli Amma,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

3. Babu, aged about 37 years, S/o Valli Amma,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

4. Rajagopalan, aged about 33 years, S/o Valli Amma,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

5. Rajendran, aged about 31 years, S/o Valli Amma,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

Defendants

6. Vella Amma, aged about 70 years, D/o Kulavan,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.
7. Ammini, aged about 72 years, D/o Valli Amma,
Residing at Cheenikkode Veedu, Thennilapuram amsom
desom, Alathur, Palakkad District.

} Defendants

This suit is coming on this day for final hearing before me in the presence of Sri.K.R.Giri Ayyer and Sri.Muhammed Musthafa, Advocates for the Plaintiff and defendants were called, absent; set exparte and this Court delivered the following.

J U D G M E N T

Suit for partition.

2. Plaintiff allegations in short are as follows :-

Plaint 'B' schedule item Nos.1 and 5 properties are accepted by Kulavan for and on behalf of his joint family and enjoying the same by paying tax, etc. After the death of Kulavan right over the plaint schedule item Nos.1 and 5 properties were devolved jointly upon plaintiff, Chathi, father of defendants 2 to 5 and husband of 1st defendant and his siblings. Since the plaintiff was born before 1976, he is also entitled to get the share like Chathi so also the share of Sankaran. As no legal heirs to Sankaran, his share also devolved upon other family members. His share is shown as item Nos. 2 to 4 in plaint 'B' schedule property. Plaintiff and other family members are resided in the RC house built in plaint item No.3 of 'B' schedule property. Plaintiff had

also spent money for construction of the said house. Defendants 4 and 5 are managing the properties for and on behalf of plaintiff and defendants and enjoying the profits. Plaintiff has got 59/144 share in plaint 'B' schedule property. Now defendants 4 and 5 trying to harm and alienate the properties by creating forged documents. Therefore, it is difficult to continue the co-ownership and co-share system in plaint 'B' schedule properties. On 10.03.2018 plaintiff demanded for the partition of the properties, but the defendants are not amenable for partition. In order to defeat the plaintiff, on 10.04.2018 defendants 4 and 5 have created some false document and registered the properties. Hence the suit for partition of the plaint 'B' schedule properties into 144 equal shares and to get 59/720 share by separating joint possession and ownership to the plaintiff.

3. Defendants 1 to 7 were called absent and set ex parte. Plaintiff was examined as PW1 and exhibits A1 to A8 were marked. Exhibits A2 to A6 are marked subject to proof. The unquestioned testimony of PW1 coupled with exhibits prove the case of the plaintiff that he is entitled to get the relief as prayed for.

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

- (i) Plaint 'B' schedule properties are divided into 144 equal shares.
- (ii) Plaintiff is entitled to 59/144 shares by separating right and possession over plaint 'B' schedule properties.

- (iii) Any of the parties, who shall deposit sufficient court-fee shall be entitled to apply for passing final decree.
- (vi) The cost 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 15th day of November, 2022.

Munsiff.

APPENDIX:-

Plaintiff's Witness Examined:-

PW1 : Balasubramanian

Plaintiff's Exhibits Marked:-

- A1 31.01.1972 : Purchase certificate issued by the Land Tribunnal, Ottapalam in the name of Chathi.
- A2 13.05.2009 : Certified copy of Possession certificate issued by the Village Officer, Kavassery 2 village in the name of Sankaran and others.
- A3 23.07.2009 : Certified copy of Possession certificate issued by the Tahsildar, Alathur in the name of Sankaran and others.
- A4 31.07.2012 : Certified copy of Possession certificate issued by the Village Officer, Kavassery 2 village in the name of Sankaran and others.

- A5 13.08.2012 : Certified copy of Possession certificate issued by the Village Officer, Kavassery 2 village in the name of Sankaran and others.
- A6 19.12.2013 : Certified copy of Possession certificate issued by the Village Officer, Kavassery 2 village in the name of Sankaran and others.
- A7 10.04.2018 : Basic Tax Register issued by the Village Officer, Peringottukurissi 2 village in the name of Sankaran and others.
- A8 10.04.2018 : Certified copy of Basic Tax Register issued by the Village Officer, Kavassery 2 village in the name of Sankaran and others.

Defendants Witness and Exhibits:- NIL

Court Witness and Exhibits :-NIL

Munsiff

Fair/Copy of Judgment

in O.S.143/2018

Dated : 15.11.2022