

IN THE COURT OF THE MUNSIFF, ADOOR

Present: Smt. Sherin Y. T, Munsiff.

Thursday the 11th day of September, 2025
20th day of Bhadra, 1947 (S.E)O.S. No.22/2023

Between:-

T.Prasad, aged 50 years,	}	
S/o. Podiyan, Palliparambil Veedu,	}	
Kurumbakara Muri,	}	Plaintiff
Enadimangalam Village.	}	

(By Adv V.S.Vijayan)

And:-

T.Rajan, aged 57 years, S/o. Podiyan,	}	
Palliparambil Veedu, Kurumbakara Muri,	}	Defendant
Enadimanagalam Village.	}	
	}	

(Exparte)

This suit having been finally heard on 11.09.2025 in the presence of Sri.V.S.Vijayan, Advocates for the plaintiff and defendant was set exparte and on the same day the court delivered the following:

JUDGMENT

The suit filed for partition and for permanent prohibitory injunction.

2. *The plaint averments, in brief, are as follows:* The plaintiff and defendant are brothers, children of the deceased Podiyan and Thresya. The plaint schedule property, 10 cents in Enadimangalam Village (Re-Sy. 320/7, 3.85 Ares), was assigned in the name of their mother Thresya under patta in 1979. A house was constructed therein, where the parties and their mother resided. After marriage, the defendant shifted to another property 50 meters east, while

the plaintiff continued to reside in the schedule house with his wife and mother until the mother's death on 11.09.2018. Upon her death, the property devolved jointly upon the plaintiff and defendant. The property is partible, but despite repeated demands, the defendant has refused partition. The plaintiff and his wife, who continue to reside there, face obstruction and threats from the defendant, including physical assault and open declarations that they will not be allowed to live peacefully in the house. Hence, this suit is filed for the Partition the plaintiff schedule property into two equal shares and for permanent prohibitory injunction to restrain the defendant from causing any obstruction to the peaceful residence and enjoyment of the plaintiff and his wife in the house situated in the plaintiff schedule property.

3. Even though the defendants entered appearance, he did not file any written statement. Hence, the suit was ordered to be proceeded against him ex parte.

4. On the side of the plaintiff, the 1st plaintiff was examined as PW1 and Exts. A1 and A2 were marked.

5. In the chief affidavit filed by PW1, it is stated that the plaintiff schedule property, having an extent of 10 cents, originally belonged to his mother Thresya by virtue of a Pattayam issued in O.A. No. 14/79, and that a house was constructed therein where he, his mother, and the defendant resided together. After his marriage, the defendant purchased another property, constructed a house therein, and has been residing there. Meanwhile, the mother died on 11/09/2018. Consequently, the plaintiff schedule property devolved upon the plaintiff and the defendant as her legal heirs. Hence, the property is partible. Even though the plaintiff requested the defendant several times to partition the property, the defendant did not agree.

6. The plaintiff produced the original Pattayam in O.A. No. 14/79 dated 07/12/1979, which was marked as Ext.A1. It shows that the Pattayam was issued in the name of Thresya

with respect to 10 cents of property in Survey No. 450/1/1/134. Ext.A2 is the land tax receipt dated 09/11/2021, which shows that land tax in Thandaper No. 2842 for an extent of 3.85 Ares in Re-Survey No. 320/7 was paid in the name of Thresya.

7. There is absolutely no reason to disbelieve the unchallenged testimony of PW1. His evidence, supported by Exts. A1 and A2, establishes that the plaint schedule property is partible.

In the result, the suit is decreed.

- 1 A preliminary decree for the partition of the plaint schedule property is hereby passed. The plaint schedule property shall be divided into two equal shares by metes and bounds, of which the plaintiff is allotted $\frac{1}{2}$ share and the defendant is allotted $\frac{1}{2}$ share. The defendant is entitled to get his separate share on payment of the requisite court fee.
- 2 The defendant and his men are restrained by a permanent prohibitory injunction from causing any disturbance to the peaceful residence of the plaintiff and his wife in the building standing in the plaint schedule property.
- 3 The plaintiff is directed to take necessary steps under Order XX Rule 18 CPC for passing of the final decree within 30 days.
- 4 Considering the facts and circumstances of the case, the parties are directed to bear their respective costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 11th day of September, 2025.

Sd/-
SHERIN Y. T,
MUNSIFF.

AppendixExhibits marked for the Plaintiff:-

- A1 07.12.1979 Pattayam No. OA 14/79 in the name of Thresya issued by Land Tribunal Office.
- A2 09.11.2021 Land Tax Receipt No. KL03010308183/2021 issued by Village Office, Enadimangalam.

Exhibits marked for the Defendant:- NilWitness Examined for the Plaintiff :-

PW1 04.07.2025 Prasad.T

Witness Examined for the Defendant :- Nil

Id/-
MUNSIFF.

Typed by: Saji.K
Compared by:

Fair/Copy of Judgment in
O.S No.22/2023
Dated:11.09.2025