

IN THE COURT OF THE MUNSIFF, THIRUVALLA.**Present: Sri. Aravind S.J, Munsiff****Wednesday the 18th day of March, 2026/27th day of Phalguna,1947 S.E****FDA.No.5/2023 in OS.No.224/2016.****BETWEEN:**

Mini Salan, aged 45 years, W/o.Late.Salan,
Chittakkattu Veedu, Kuttoor Muri,
Kuttoor Village, Thiruvalla Taluk.

(By Adv.Abraham Varghese Kadavil.)

} Petitioner/
Plaintiffs

AND

Thanka, aged 75 years, W/o.Krishnan,
Chittakkattu Veedu, Kuttoor Muri,
Kuttoor Village, Thiruvalla Tauk.

(By Adv.V.R.Sudheesh.)

} Respondents
Defendants

This petition coming on for consideration on 18-03-2026 and on the same day the court passed the following:

ORDER

The above numbered application is filed by the plaintiff in the suit for passing a final decree.

2. Petition averments in brief are stated as follows: - The Petitioner is the plaintiff in the suit. The suit was filed for a decree of partition. A preliminary decree was passed in the suit on 08-07-2022 and the plaintiff was allotted 1/2 share over the plaint schedule property. Hence the property is to be partitioned by metes and bounds and ½ share is to be allotted to the petitioner. Hence, this application.

3. Notice was duly served on the respondent. The respondent entered appearance. However no objection was filed by her. Both parties filed commission application as IA No. 1/2023 and 2/2024 for deputing an

Advocate Commissioner to measure out the property and to partition the same.

4. There is absolutely no doubt that a preliminary decree is passed in favour of the plaintiff allotting 1/2 share in the plaint schedule property. The Advocate commissioner and Surveyor appointed as per the order in I.A. No. 1/2023 and 2/2024 filed commission report and survey plan. The same are marked as Ext. C1 and C1(a). The decree passed would show that the plaint schedule property has an extent of 1.01 Ares. The said property is shown within "CEIFGHJC" letters. The share of the petitioner is shown within "FGHIF" letters and is shown to have an extent of 0.506 Ares. The share of the respondent is shown within "ECJHI" letters and has an extent of 0.506 ares.

5. It is reported in Ext C1(a) that the petitioner and the respondent has direct road access. No owelty amount is stated in the commission report. The respondent however did not remit the requisite court fee so far and thus separation of his share cannot be granted through the present final decree application. As the petitioner has no objection regarding the partition made by the Advocate Commissioner and having satisfied that the property was partitioned by metes and bounds, this court is inclined to accept the allocation of plots shown in Ext. C1(a) plan and to pass a final decree accordingly.

In the result, final decree is passed in favour of the petitioner as follows:-

- 1. The plot "FGHIF" shown in Ext.C1(a) plan measuring an extent of 0.506 ares comprised in resurvey number 172/10-1 of Kuttoor village is allotted to the petitioner. The right, title**

and interest in respect of the said property be vested with her and she is entitled to possess and enjoy the property as her own.

- 2. Ext.C1(a) plan shall form part of the final decree.**
- 3. Necessary stamp value shall be remitted for engrossing final decree as per law. Market value of the plaint scheduled property for the purpose of stamp duty will be the fair value of the properties as determined by the State Government from time to time. The stamp duty leviable shall be according to the provisions of the Kerala Stamp Act.**
- 4. A copy of this judgment shall be transmitted to the S.R.O concerned for entering in the book of records as provided under Section 89 of the Registration Act and Rule 237(2) of the Kerala Civil Rules of Practise.**
- 5. Petitioner is entitled to file execution applications for getting separate possession of her share.**

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 18th day of March, 2026.

Sd/-
ARAVIND.S.J.,
MUNSIFF

APPENDIX

Court Exhibits:

1. Ext.C1 25-02-2026 Commission report prepared and submitted by the Advocate Commissioner Adv.Sreejith Thulasidas.
2. Ext.C1(a) 25-02-2026 Survey plan prepared by K.Vijayakumar, District Survey Superintendent(Rtd.) and submitted by the Advocate Commissioner Adv.Sreejith Thulasidas.

Id/-
MUNSIFF

Typed by:Ajith.G/Compared by:

Copy of order in
FDA.No.5/2023 in OS.No.224/2016.

Dated:18-03-2026.