

IN THE COURT OF THE SUBORDINATE JUDGE, IRINJALAKUDA

Present:- Lekshmi K Thampi, Additional Sub Judge

Monday, the 16th day of March, 2026/25th Phalgunam, 1947 SE

F D A 14/2025 in OS 14/2025

Petitioners -

Sunilkumar, Aged 61, S/o. Kaithayil Subrahmanian, Velookkara Village, Desom, Nadavarabu Post, Mukundapuram Taluk, Rep by POA, Roopa, Aged 54, W/o. Sunilkumar.

By Adv. C.G. Shisheer

Respondents:-

1.	Biju, Aged 55, S/o. Kaithayil Subrahmanian, Velookkara Village, Desom, Nadavarabu Post, Mukundapuram Taluk.
2.	Janaki, Aged 81, W/o. Kaithayil Subrahmanian, Velookkara Village, Desom, Nadavarabu Post, Mukundapuram Taluk.

By. Adv. Renny.K. George

This Petition having come up before me in the presence of counsel for both sides and stood over for consideration till this date and court passed the following:-

FINAL JUDGMENT

This petition is filed by the petitioner under Order XX Rule XVIII and Order XXVI Rule 13 and Section 151 of Code of Civil Procedure for his share in the property.

2. Notice issued to the respondents and they entered appearance During the pendency of the final decree proceedings

second defendant died. Hence an application filed by the petitioner IA 1/2025 to pass supplementary preliminary decree to get 1/2 share in the 1/3 share of the second defendant and the said IA was allowed. So now the petitioner and defendant entitled for 1/2 right each in the property. A commissioner and surveyor were appointed to measure the property and to divide the property as per the preliminary decree. Commissioner after measuring the property filed commission report and counsel for both sides submitted no objection. Commission report shows that the property is equitably divided hence it is accepted. Commission report and plan is marked as C1 and C1(a) and final decree is passed as follows:

3. As per the commission report the property is in Sy No.409/2, 409/3, 409/4 and 408/2, the total extent of property in 408/2 the extent of property is 34 cents and in 409/2,3,4 total extent is 75 cents. So the total extent of entire property is 124.250 cents.

1. The first defendant is residing in the house situated in the property. Hence the house is allotted in the share of the first defendant and both parties agreed for the same.
2. The property in Survey No.408/2 having extent of 0.1600 hectares (39.53 cents) marked as 'A' and in Sy No.408/2 having an extent of 0.0154 hectares, Sy No.409/2 having an extent of 0.0224 hectares, having total extent of 0.1978 hectares (48.856 cents) marked as B1 is allotted to the share of the first defendant. The property allotted to first defendant has PWD road access. The remaining property has no access to the road. Hence a 4 metre way was set apart.

3. The property shown in yellow colour which is marked as 'B2' in Sy No.409/3 having an extent of 0.1220 hectares and property shown in the orange colour as 'C' Sy No.409/3 having an extent of 0.1414 hectares and Sy 410 having an extent of 0.184 hectares. Thus a total extent of 0.2818 (69.604 cents) was allotted to the plaintiff. So considering the value of the property plaintiff is given more extent of property .
4. The plot shown in blue colour numbered as 'D' in Sy No.408/2 having an extent of 0.0181 hectares 409/2 having an extent of 0.0012 hectares, in Sy. 409/3 having an extent of 0.0042, having total extent of 0.0235 hectares(5.800 cents) is set apart as a way to both the properties.
5. Fair value of the property of the plaintiff is Rs.2,24,400/- per Are as per the government notification. So the total value of the property of the plaintiff is Rs.63,16,860/- and the fair value of the property of the defendant is taken is Rs.3,96,000/- per Are as per the Government notification. So the total value of the property of the defendant is shown as Rs.78,32,880/-
6. The parties have no claim for any owelty and claim for the valuation of the building and trees.
7. The parties shall bear their respective costs.
8. The commission report, plan and schedule shall form part of this final decree. The non-judicial stamp value shall be produced by the parties as per rules.
9. Final decree is thus passed accordingly.

10.The parties shall bear the cost of non-judicial stamp paper in accordance with the rules.

(Dictated to the confidential assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 16th day of March, 2026.)

Sd/-

Lekshmi K Thampi
Additional Sub Judge

APPENDIX:- Nil

Copied by :vdm
Compared by:

Id/-
Additional Sub Judge.
B/o.

// True Copy//

Sheristadar.