

IN THE COURT OF THE SUBORDINATE JUDGE, IRINJALAKUDA

Present:- Lekshmi K Thampi, Additional Sub Judge

Friday, the 10th day of April, 2026/20th Chaithram, 1948 SE

OS 222/2022

Plaintiffs: -

K.O. Elsy, Aged 63, W/o. Ponthokkan Jose, Urakam village, Panmkulam desom, karuvannur P O, Thrissur Taluk
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By Adv. Thomson Michael & K T Thomas

Defendants:-

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| 1. | Anto kokkatt, Aged 69, S/o. Kokkatt Ouseph, Kanimangalam village and post, Snehavedhi road, Thrissur Taluk, Pin 680 027. |
| 2. | K O Varghese, Aged 57, Kokkatt Ouseph, Pullur village, and post, Near Pullur Village office, Mukundapuram taluk |
| 3. | K O Piyus, Aged 54, S/o. Kokkatt Ouseph, Kodakara village, Gandhinagar desom, Perambra P O, Mukundapuram taluk, Pin- 680 689 |
| 4. | K O Margaret, Aged 52, W/o. Parappully James, Amballur village, Mannampetta desom, Varakkara P O, Mukundapuram taluk . |
| 5. | Victo Antony, Aged 50, W/o. Pulikotil Antony, Mattathoor village, Mattathoor kunnu desom and post, Chalakudy taluk, Pin- 680 684. |

D1& D2: By Adv. M J Baby

D3: By Adv. K. Jagadeesh

D4 & D5 : By Adv. K A Manoharan

JUDGMENT

The suit is for partition.

2. ***Averments in the plaint, in brief, is that :-*** This suit is filed for partition. The plaintiff and defendants are Christians governed by the Indian Succession Act. They are siblings, being the children of Ouseph and his wife Helen. Apart from them, Ouseph and Helen had another daughter Annie, who died issueless along with her husband. Hence, the plaintiff and defendants are the only legal heirs of Ouseph and Helen. The grandfather of the plaintiff and defendants, Anthony, and his wife Kunjaji died intestate. Their legal heirs were Ouseph, Devassykutty, Thandu and Vareed. Vareed and Devassykutty were unmarried and died without legal heirs. Thandu, though married, had no issues and she and her husband also died issueless. Therefore, Ouseph and thereafter the plaintiff and defendants claim to be the surviving heirs. Anthony executed a Will deed as No.53/26 of SRO, Irinjalakuda. Anthony died on 26.09.1982 and the Will came into effect after his death. As per the Will, A schedule property was allotted to Ouseph, B schedule to Devassykutty and C schedule to Thandu. The plaintiff claimed the schedule properties were claimed as partible and the plaintiff claimed 1/6 share. Since the defendants were not amenable for partition, the suit was filed.

3. Summons was served. Defendant Nos.1 to 5 entered appearance and filed written statement. Issues were framed and the case was posted for evidence. At that stage, both parties submitted that they were willing for settlement. Subsequently, both parties filed a compromise petition under Order XXIII Rule 3 CPC signed by the parties and their counsel. The compromise petition was perused. The terms are lawful and executable. Hence the compromise is accepted. In the result, the suit is decreed in terms of the compromise petition filed under Order XXIII Rule 3 CPC as follows:

1. The plaintiff and defendants have mutually agreed that the plaint schedule properties are not partible in view of the Will deed.
2. Defendant Nos.1 and 3 agreed to pay ₹7,00,000/- to the plaintiff and ₹5,00,000/- each to defendant Nos.4 and 5.
3. The amount shall be paid within one year from the date of compromise. In default of payment, the amount shall carry interest at 6% per annum and the amount can be realized from the properties of the defaulting parties.
4. On receipt of the amount, the plaintiff and defendant Nos.4 and 5 shall issue acknowledgment and they agreed that they shall not claim any right in the property covered by the Will deed.
5. The plaintiff will not raise any claim against the second defendant and no relief is sought against the second defendant.

6. All disputes between the parties stand settled.
7. Each party shall bear their respective costs.
8. The plaintiff is entitled to refund of court fee as per rules.
9. The compromise petition shall form part of the decree.

(Dictated to the confidential assistant, typed by her, corrected by me and pronounced in open court on this the 10th day of April, 2026.)

Sd/-

Lekshmi.K. Thampi

Additional Sub Judge

APPENDIX:-Nil

copied by:vdm
compared by:

Id/-
Additional Sub Judge.

// True Copy//

B/o.

Sheristadar.