

IN THE COURT OF THE SUB JUDGE, CHAVAKKAD

Present:- Sri. V. Vinod, Sub Judge

Tuesday, the 5th day of August 2025/ 14th Sravana, 1947.

O.S.32/2023

Plaintiffs:-

1. Vanaja, Aged 53 years, W/o. Hariharan, Mavelypadi House & D/o. Odattuveetil Raghavan, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.
2. Anitha, Aged 50 years, W/o. Gagadaran, Kondrappassery House, & D/o. Odattuveetil Raghavan, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.
3. P.A. Amritha, Aged 27 years, W/o. Late Sreenath, S/o. Odatthuveltil Chakkarath Padmanabhan, Near Chamundessery Temple, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.
4. Dhaksh Sreenath, Aged 8 years, S/o. Late Sreenath, S/o. Odatthuveltil Chakkarath Padmanabhan, Near Chamundessery Temple, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk, Rep.by Mother and Guardian 3rd Palintiff Amritha.

By Adv. P.M. Abdul Jaleel

Defendants:-

1. Manoj, Aged 48 years, S/o. Odattuveetil Raghavan, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.
2. Radhakrishnan, Aged 61 years, S/o. Odattuveetil Raghavan, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.
3. Radha, Aged 62 years, D/o. Odattuveetil Raghavan, Iringapram Village, Thiruvengidam Desom, Guruvayoor P.O., Chavakkad Taluk.

Exparte

The suit is coming on 31.07.2025 for hearing before me in the presence of counsels for both sides and having stood over for consideration till this day, the court delivered the following :-

J U D G M E N T

This suit is filed for partition of the plaint schedule properties.

2. The case of the plaintiffs, in brief is as follows: Plaintiff Nos. 1 and 2, the defendants, and Saraswathy are the children of Raghavan and Sarada. Saraswathy is no more. Sreenath is her son. He is also no more, and Plaintiff Nos. 3 and 4 are his legal representatives. Raghavan and Sarada jointly purchased a property having an extent of 11 cents as per Document No. 566/1976. Apart from that, Sarada purchased 7 5/6 cents of land as per Document No. 635/1971 of the SRO, Kottappady. Both the properties lie as a single plot, having a total extent of 18 5/6 cents.

3. During the lifetime of Raghavan and Sarada, they settled 4 cents each in favour of Defendant Nos. 1 and 2 by executing separate settlement deeds. It was agreed that thereafter they would not claim any right over the balance property, which comes to 10 5/6 cents. Raghavan died on 09.02.2012, and Sarada on 21.11.2015.

4. The suit is filed for partition of the plaint schedule property among the plaintiffs and the 3rd defendant, Radha.

5. The defendants entered an appearance and filed written statements. Defendant No. 1 claimed that all the parties were given shares by their father by paying money in lieu of property. He also contended that if the plaint schedule property is to be partitioned, he should be allotted the house. Defendants Nos. 2 and 3 filed a written statement claiming that the 2nd defendant had been allotted 4 cents as per Document No. 73/2011. Since part of the house lies within his share, it was agreed that the portion would be demolished after the death of the parents at the time of partition. They further stated that the 2nd defendant is not entitled to any share in the property.

6. Based on the pleadings, issues were settled, and the parties proceeded to trial.

7. The 1st defendant, who was contesting, did not appear on the date of trial and was set ex parte.

8. The 1st plaintiff filed a chief affidavit and marked Exts. A1 to A7. One witness was examined to prove the plaintiff's case. Heard.

9. Regarding the oral partition in the deeds marked as Exts. A1 and A2, there is no mention that Defendant Nos. 1 and 2 would not be entitled to any share in the balance of the plaint schedule property. The 2nd defendant, who is a beneficiary of one of the gift deeds, has admitted this arrangement. He and the 1st defendant have similar interests in the balance property. However, an admission made by one defendant cannot affect the interest of a co-defendant.

10. As the 1st defendant was set ex parte, the plaintiff's evidence remains unchallenged. This, along with the admission made by the 2nd defendant, supports the case of the plaintiffs. Hence, I find that the plaint schedule property is partible only among the plaintiffs and the 3rd defendant. Accordingly, Plaintiff Nos. 1 and 2 and the 3rd defendant are each entitled to $\frac{1}{4}$ share, and Plaintiff Nos. 3 and 4 are jointly entitled to $\frac{1}{4}$ share.

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

- a) The plaint schedule property shall be divided into four equal shares.
- b) One such share each shall be allotted to Plaintiff No. 1, Plaintiff No. 2, and the 3rd defendant.
- c) One such share shall be jointly allotted to Plaintiff Nos. 3 and 4.
- d) It is clarified that the 3rd defendant is entitled to her share only on payment of the requisite court fee.

- e) The costs shall come out of the estate.
- f) Any of the parties may apply for the passing of the final decree within three months.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 5th day of August, 2025).

Sd/-
V. VINOD,
SUB JUDGE.

APPENDIX

Plaintiff's Witness:- Nil

Plaintiff's Exhibits:-

Ext. A1	14.01.2011	Certified copy of Deed No. 72/I/2011.
Ext.A2	14.01.2011	Certified copy of Deed No. 73/I/2011.
Ext.A3	11.06.1976	Certified copy of Deed No. 566/1976.
Ext.A4	30.11.1971	Certified copy of Deed No. 635/1971.
Ext.A5	26.08.2017	Death certificate of Sreenath.
Ext.A6	06.06.2017	Birth certificate of Daksh Sreenath.
Ext.A7	12.07.2024	Marriage certificate of Sreenath & Amrutha.

Sd/-
SUB JUDGE.

/True copy/

By Order,

Copied by : PPA Compared by:

Sheristadar