

IN THE COURT OF THE MUNSIFF, KODUNGALLUR.

Present:- Smt.Karthika.K., Munsiff.

Tuesday, the 11<sup>th</sup> day of March, 2025/ 20<sup>th</sup> Phalgunam, 1946.

**O.S.84/2023**

**Plaintiff:-**

Sajeev, Aged 55 years, S/o.Marath Gangadharan,  
Edathiruthy Village and Desom, Kodungallur Taluk Now  
residing at Manakkodi Village and Desom, Thrissur Taluk.

By Adv.Kiran.P.M.

**Defendants:-**

1. Vijayakumar, Aged 63 years, S/o.Marath Gangadharan,  
Edathiruthy Village and Desom, Kodungallur Taluk.
2. Rajeev, Aged 50 years, S/o.Marath Gangadharan,  
Edathiruthy Village and Desom, Kodungallur Taluk.

Exparte

This suit coming on this day for hearing before me, the court on the same day passed the following:

**JUDGMENT**

**Suit is one for partition.**

2. **The plaint averments in brief is as follows:-** The plaintiff and defendants are siblings and children of deceased Marath Gangadharan. The plaintiff and defendants are jointly in the possession and enjoyment of 10.32 Ares of property in Edathiruthy village survey

203/3 vide sale deed No.937/1998 of Thriprayar Sub Registry. Out of 10.32 Ares of property 10 cents of property was sold with common decision of the plaintiff and defendants. The remaining property is scheduled as plaint schedule property. The original document is in the possession of the Ist defendant. Hence the photocopy of the document is produced along with the plaint. The plaintiff and defendants have obtained 1/3 share over the plaint schedule property. The plaintiff and defendants entered into a sale agreement with the president of Marath Thripura Sundari Devi Temple idol as second party and the plaintiff and defendants as first party on 9.4.2011 for assigning 4.5 cents of property from the southern side of plaint schedule property in the east-west direction. The plaintiff and defendants obtained Rs.90,000/- as earnest money towards the said sale agreement. The president of the above temple filed O.S.199/2011 before this court for specific performance. The plaintiff is not amenable for keeping the plaint schedule property in joint possession. The plaintiff also prays for allotting the portion of property on the southern side of the plaint schedule property in the east-west direction into the share of the plaintiff.

3. The defendants remained absent and they were set ex parte.

4. The plaintiff was examined as PW1 and he filed proof affidavit. Exts. A1 & A2 documents were marked from the side of the plaintiff.

5. Heard counsel for the plaintiff.

6. Ext.A1 is the sale deed No.937/1998 of Thriprayar Sub Registry executed between the plaintiff and defendants. Ext.A2 is the property tax receipt dated 17.11.2022 issued from Village Office, Edathiruthy in the name of defendants. The plaintiff has proved his case from Exts. A1 & A2 documents. Since the defendants did not give any contra evidence the plaintiff's evidence remain unrebutted. Hence the plaintiff is entitled to get a decree as prayed for.

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

**1. The plaint schedule property is found partible and it is divided into three equal shares by metes and bounds out of which the plaintiff is allotted separate possession of 1/3 share in the plaint schedule property.**

**2. The defendants are entitled for 1/3 share each in the plaint schedule property.**

**3. Share of defendants shall be allotted to them on payment of requisite court fee.**

4. Any of the parties can file an application for passing the final decree.

5. Cost of the suit shall come out of the estate.

(Dictated to the Confdl.Asst., transcribed by her corrected by me and pronounced in open court on this the 11<sup>th</sup> day of March, 2025)

Sd/-  
KARTHIKA.K.,  
MUNSIFF.

APPENDIX

Plaintiff's Exhibits:

A1 - 26.05.1998- Certified copy of Sale Deed No.937/1998 of Thriprayar Sub Registry.

A2 - 17.11.2022- Property Tax Receipt

Defendant's Exhibits: - Nil.

Court Exhibits : - Nil

Plaintiff's Witness:

PW1 - 17.02.2025- Sajeev

Defendant's Witness: - Nil.

Copied by: pn

Compared by:

/True Copy/

Id/-  
MUNSIFF.  
By Order

Junior Superintendent.