

IN THE COURT OF MUNSIFF, WADAKANCHERY

Present:- Sri. Yahya. T.K., Munsiff

Monday, the 16th day of June, 2025/ 26th Jyashtam 1947 SEO. S. 294/2022Plaintiff:

P. Komalavally, aged 63 years, D/o Puthur Tharavattil -
Laskhmikutty Amma, Wadakanchery Village,
Kumbalangad Desam, Talappilly Taluk, now residing at: -
W/o Vijayakumar. N., No. 46, Ayyappanagar, Eechanari Post,
Coimbatore, Pin Code: 641 021.

By Adv. T. A. Najeeb.

Defendant:

Balan Nair, aged 85 years, S/o Puliayath Ammalu Amma,
Wadakanchery Village, Kumbalangad Desam, Kanjirakode Desam,
Pin Code: 680 590, Talappilly Taluk.

Exparte.

This suit is coming on this day for hearing, the Court passed the following:

JUDGMENT

Suit for partition.

2. **Plaint summary** ; Plaintiff schedule property originally belonged to plaintiff and her mother as per partition deed No.444/1958 of S.R.O Wadakkanchery. The mother transferred her share to the defendant. Now plaintiff and defendants are the joint owners of the property. Plaintiff wants partition. Hence the suit.

3. Defendant was set ex-parte.

4. On the side of plaintiff, the plaintiff herself was examined as PW1.

Ext.A1 to A5 marked.

5. Heard the counsel for plaintiff.
6. The following points arose for consideration :

- (i) *Whether the plaint schedule property partible ?*
- (iii) *If yes, what is the share to which the plaintiff is entitled ?*
- (iv) *Relief and costs ?*

7. **The point** : PW1 gave verbal evidence about the facts pleaded in the plaint. She produced Ext.A1 which is the partition deed of the year 1958. She deposed that her mother transferred mother's share to the defendant. Ext.A2 to A4 shows that the defendant has not heeded the request for partition. I find no reason to disbelieve the testimony of PW1. Therefore, these points are found in favour of the plaintiff.

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

- i. *The plaint schedule property shall be divided by metes and bounds into two equal shares and the plaintiff is entitled to get one such shares. Defendant is entitled to get the remaining one share.***
- ii. *The allotment shall be made on payment of requisite court-fee.***
- iii. *Equity and reservation, if any will be worked out in the final decree.***
- iv. *Cost of suit shall come out of the estate.***
- v. *The parties are directed to file final decree application on or before 16.07.2025.***

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 16th day of June, 2025)

Sd/-

YAHYA.T.K
MUNSIFF

APPENDIX

Plaintiff's Witness:

PW1 : 17.03.2025 Komalavally.

Plaintiff's Exhibits:

- A1 : Certified copy of Partition Deed bearing-
No.444/1958 of SRO, Wadakanchery.
- A2 : 16.05.2022 Copy of lawyer notice.
- A3 : 17.05.2022 Postal Receipt.
- A4 : Acknowledgment Card.
- A5 : 25.05.2022 Copy of Reply notice.

Id/-
MUNSIF