

IN THE COURT OF MUNSIFF, WADAKANCHERY

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

Saturday, the 29th day of November, 2025/ 8th Margaseersham 1947 SE

O.S. 304/2023

Plaintiff:

Lucy James, aged 72 years, W/o James, Tharamel Veettil,
Chowannur Village, Post and Desam, Pin Code: 680 517,
Kunnamkulam Taluk, Thrissur District.

By Adv. Sona. P. Chacko & K. Arumkumar Kaimal.

Defendants:

1. Jojo. T. J., aged 45 years, S/o James, Tharamel Veettil,
Chowannur Village, Post and Desam, Pin Code: 680 517,
Kunnamkulam Taluk, Thrissur District.
2. Jiji. T. J., aged 44 years, D/o James, Tharamel Veettil,
Chowannur Village, Post and Desam, Pin Code: 680 517,
Kunnamkulam Taluk, Thrissur District.

Adv. Neethu. K. C.

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

JUDGMENT

Suit for partition

2. **Plaint Summary:-** The plaint schedule property belonged to James as per Document No. 1530/1989 of SRO. Plaintiff is wife of James. Defendants are his children. Whereabouts of James is not known since 1997. Although several attempts were made, no information received regarding James. Hence civil death of James is to be presumed. Plaintiff is

entitled to get 1/3 share in the property. The parties want partition. Hence it is said that a preliminary decree may be passed as per law.

3. Defendants filed written statement admitting partition.

4. The plaintiff got herself examined as PW1. Exhibit A1 to A3 marked. Report of village Officer marked as Ext C1. Report filed by SHO Kunnamkulam marked as Ext C2.

5. Heard both sides. The following points are for consideration:

1. *Whether the plaint property is partible?*
2. *What is the share to which each party entitled?*
3. *Relief and costs?*

6. **All points** ; PW1 gave verbal evidence regarding the facts created in the plaint. She deposed that the property belonged to James under Exhibit A1. Exhibit A2 and Exhibit A3 shows that the parties are residing in the house situated in plaint sale property and are in joint possession of the same. PW1 also deposed that whereabouts of James is not known since 1997. The testimony of PW1 in this regard is supported by Exhibits C1 and C2. Hence, the civil death of James can be presumed. As regards the share, there is no dispute that the property is liable to be partitioned into three equal shares. These points are found in favour of the plaintiff.

In the result, the following preliminary decree is passed.

1. ***The plaint schedule property shall be divided by metes and bounds into three equal shares. Each party is entitled to get one such share each.***

2. *Reservation and equity shall be decided at the stage of final decree.*
3. *Cost of the suit shall come out of the estate.*
4. *Any parties to the suit may file an application for passing of Final Decree.*

For steps – 19-12-2025.

(Dictated to Adalat AI, corrected and pronounced by me in open Court on this the 29th day of November, 2025)

Sd/-
YAHYA. T. K.,
MUNSIFF

APPENDIX

Plaintiff's Witness:

PW1 : 26.06.2025 Lucy. K. O.

Plaintiff's Exhibits:

A1 : 18.10.1989 Certified copy of Theer Deed bearing no. 1534/1989 of SRO, Kunnamkulam.

A2 : 06.05.2025 Land Tax Receipt.

A3 : Certified copy of Ration Card bearing no. 157794.

Court Exhibits:

C1 : 19.07.2025 Letter from Village Officer, Chowannur

C2 : 08.10.2025 Report from Station House Officer, Kunnamkulam.

Id/-
MUNSIFF