

IN THE COURT OF THE MUNSIFF-MAGISTRATE, MANANTHAVADY

Present : Sri.Anand Parathara, Munsiff-Magistrate, Mananthavady

Tuesday, the 03rd day of March – 2026

(The 12th day of Phalguna – 1947)

ORIGINAL SUIT No.114/2024

Between:

Priyanka Manuel, Aged 28 years, D/o.Reethamma Manuel,
Pittapillil House, Kammana Post, Mananthavady Taluk,
Wayanad District- 670 645.

} Plaintiff

And:

Reethamma Manuel @ Reethamma Thomas, Aged 56 years,
W/o.Manuel.P.T., Pittapillil House, Kammana Post,
Mananthavady Taluk, Wayanad District- 670 645.

} Defendant

This suit coming on this day for hearing before me in the presence of Sri.K.N.Mohan and Sri.Amruth Raj George, Advocates for the Plaintiff and of Smt.Shifna.K.A, Advocate for the defendant, the Court delivered the following:-

J U D G M E N T

This is a suit for partition of the plaint schedule property.

2. The plaintiff is the daughter and the defendant is the wife of Sri. Pittappillil Manu @ Manuel who went missing for the last 27 years. His whereabouts are not known till date. Hence he is not heard of for more than 7 years even by his close relatives (parties herein) who would have been contacted by him if he was alive. The parties herein have taken all efforts to find him. The above Sri. Pittappillil Manu @ Manuel is entitled to the plaint schedule property by virtue of sale deed number 553/1994 of the Sub Registrar's Office at Mananthavady. There is no testament for succession of the property. The parties are subject to the provisions of the Indian Succession Act. The parties are entitled to equal share in the property. Though the plaintiff approached the defendant for partition, she was reluctant. Hence this suit.

3. The defendant appeared and filed written statement admitting the plaint claim.

4. PW1 to 3 were examined and Ext.A1 was marked.

5. Heard.

6. The points arising for consideration are:-

1. Whether the plaintiff is entitled to a decree for the partition of the plaint schedule property as sought for?
2. What shall be the orders as to the costs ?

7. In this case, the plaintiff was examined as PW3. Ext. A1 was marked. PW1 and PW2 are the persons acquainted with the facts of this case. Ext.A1 is the certificate from the Station House Officer stating that though they have searched for Mr.Manuel, they could not find him. From the unchallenged evidence on record and also in the light of the admission from the part of the defendant it is seen that the plaintiff has proved the plaint averments. Hence I find that there has to be a preliminary decree and the plaint schedule property is to be partitioned as follows : -

1. The plaintiff is entitled to one half of the share of the plaint schedule property.
2. The defendant is entitled to one half of the share of the plaint schedule property.
3. The allotments to the defendant shall be subject to the payment of the court fee.
4. The costs of the suit shall come from the estate.

5. For steps for final decree, under Order XX Rule 18 of the Code of Civil Procedure, the suit is adjourned to – 02/06/2026.

(Pronounced by me in the open court on this the 03rd day of March, 2026)

MUNSIFF-MAGISTRATE

APPENDIX

Plaintiff's Witness:

PW1 – 09.10.2024 – Thomas.P.T.
PW2 – 09.10.2024 – Aneesh Jose
PW3 – 17.02.2025 – Priyanka Manuel

Plaintiff's Exhibits:

A1 – 24.05.2024 – Certificate issued by SHO, Mananthavady

Court's Witness & Court's Exhibits: NIL

Defendant's Witness & Exhibits: NIL

MUNSIFF-MAGISTRATE

IN THE COURT OF THE MUNSIF-
MAGISTRATE, MANANTHAVADY

FAIR JUDGMENT

IN

OS.114/2024

DATED: 03.03.2026