

IN THE COURT OF THE SUBORDINATE JUDGE OF METTUPALAYAM.

**PRESENT : THIRU.K.PALANIVEL,B.L.,**

**Subordinate Judge, Mettupalayam.**

Wednesday this the 18<sup>th</sup> day of September 2024

ORIGINAL SUIT No.43/2020

CNR.NO.TNCB190001292020

1.S.Parimalam

2. S.Thirumalai Selvan A Mentally

Retarded Person Represented by his

Guardian and sister S.Parimalam

...

Plaintiffs

-Vs-

Rajeshwari

...

Defendant

This suit coming up for final hearing before me in the presence of Thiru.K.T.Sivappugaz, Advocate for the plaintiffs and Thiru.K.Satish, Advocate for defendant , No representation for Plaintiffs, already plaintiffs counsel report no instruction and this Court delivered the following

### JUDGMENT

Suit is for Partition Division of the Suit properties into 3 equal shares and allot 2 such shares to the Plaintiffs by metes and bounds with reference to good and bad soil by appointing Commissioner, Declaring that the Partition Deed dated 21.02.1997 entered between the Plaintiffs and the defendant vide Document No.744 of 1997 on the file of the Sub Registrar of Mettupalayam as Null and Void and not binding upon the Plaintiffs, Declaring that the Settlement Deed dated 06.11.2019 executed by the 2<sup>nd</sup> Plaintiff in favour of the Defendant vide Document No.9763 of 2019 on the file of the Sub Registrar of Mettupalayam as Null and void and for cost of the suit.

No representation for Plaintiffs, already plaintiffs counsel reports no instruction by the plaintiffs. Notice sent to plaintiffs for appearance of Plaintiffs in D.No.499/2024 by this Court, both not turned up by the plaintiffs. Hence suit is dismissed for default No cost.

Pronounced by me in the Open Court, On this the 18<sup>th</sup> day of September 2024.

**Sd/-K.Palanivel,**

Subordinate Judge,

Mettupalayam.

IN THE COURT OF THE SUBORDINATE JUDGE OF METTUPALAYAM.

**PRESENT : THIRU.K.PALANIVEL,B.L.,**

**Subordinate Judge, Mettupalayam.**

Wednesday this the 18<sup>th</sup> day of September 2024

ORIGINAL SUIT No.43/2020

CNR.NO.TNCB190001292020

1.S.Parimalam, W/o.Shanmugasundaram, Hindu, aged about 58 years, residing at 6/218, Mongampalayam, Therampalayam, Mettupalayam Taluk.

2. S.Thirumalai Selvan, S/o.Late.Subbaiya Gowder, A Mentally Retarded Person Represented by his Guardian and sister S.Parimalam, Hindu, aged about 54 years, residing at 6/218, Mongampalayam, Therampalayam, Mettupalayam Taluk.

... Plaintiffs

-Vs-

Rajeshwari, W/o.Kuppusamy, Hindu, aged about 60 years, residing at 1/131, Alangombu, Jadayampalayam, Mettupalayam Taluk. ... Defendant

Suit is for Partition Division of the Suit properties into 3 equal shares and allot 2 such shares to the Plaintiffs by metes and bounds with reference to good and bad soil by appointing Commissioner, Declaring that the Partition Deed dated 21.02.1997 entered between the Plaintiffs and the defendant vide Document No.744 of 1997 on the file of the Sub Registrar of Mettupalayam as Null and Void and not binding upon the Plaintiffs, Declaring that the Settlement Deed dated 06.11.2019 executed by the 2<sup>nd</sup> Plaintiff in favour of the Defendant vide Document No.9763 of 2019 on the file of the Sub Registrar of Mettupalayam as Null and void and for cost of the suit.

Date of suit - 03.06.2020

Cause of action - Arose on 02.08.1967, 21.02.1997, 06.11.2019, 05.12.2019, 21.02.1997, 06.09.2019, 20.03.2020, at Mongampalayam, Therampalayam

Village, Mettupalayam Taluk.

Value of suit - The value of the suit for the purpose of Court fee and Jurisdiction for the relief of Partition is 2,10,000/- and a Court fee of Rs.5,300/- is paid under section 37(2) & 25(d) of Tamil Nadu Court fees and Suits Valuation Act.

DETAILS OF VALUATION

Value of the Suit Property	-	Rs.3,00,000/-
Plaintiffs 2/3 share value	-	Rs.2,00,000/-
Court Fees paid under section 37(2) of		
Tamil Nadu Court fees and suit Valuation Act		- Rs.5,000/-
Value of the Suit for 2 <sup>nd</sup> Relief of Declaration	-	Rs. 5,000/-
Court Fees paid under section 25(d) of		
Tamil Nadu Court fees and suit Valuation Act		- Rs. 150/-
Value of the Suit for 3 <sup>rd</sup> Relief of Declaration	-	Rs. 5,000/-
Court Fees paid under section 25(d) of		
Tamil Nadu Court fees and suit Valuation Act		- Rs. 150/-
Total Court Fees paid		- Rs. 5,300/-

This suit coming up for final hearing before me in the presence of Thiru.K.T.Sivappugaz, Advocate for the plaintiffs and Thiru.K.Satish, Advocate for defendant, No representation for Plaintiffs, already plaintiffs counsel report no instruction and this Court doth order and decree as follows

DECREE

1. that the suit be and same is hereby dismissed for default;
2. that there be no cost.

SCHEDULE OF PROPERTY

கோயம்புத்தூர் ரிடிடு, மேட்டுப்பாளையம் சப்ரிடிடு, மேட்டுப்பாளையம் வட்டம், முன்பு அவினாசி தாலூக்கா தற்சமயம் மேட்டுப்பாளையம் தாலூக்கா, பெள்ளாதி கிராமத்தில் க.ச.எண்.380 நெ.பு.ஏக் 3.02 க்கு தீர்வை 3.38 ல் சரிபாதி வடபுறம் ஏக் 1.51 பூராவும் க.ச.381 நெ.பு.ஏக்2.40 க்கு தீர்வை ரூ2.69 ல் வடபுறம் சரிபாதி ஏக் 1.20 பூராவும் காலைகள் 2 க்கு ஒட்டு ஏக் 2.71 பூரா. மேற்படி 380 ல் உள்ள துரஸ்து கிணர் 1 ல் சரிபாதியும்,மாவடை, மரவடை மாமூல் வழி பாத்தியங்கள் வாய்க்கால் உத்திகை வாரி சகிதம்.

Given under my hand sign and seal of this Court, this the 18<sup>th</sup> day of September 2024.

Sd/-K.Palanivel,

Subordinate Judge,

Mettupalayam.