

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF  
PADMANABHAPURAM.**

**Present: Tmt, S. Immaculate Buddha, B.Sc., L.L.M,  
Additional District Munsif.**

**Tuesday, the 02<sup>nd</sup> day of June 2026**

**O.S.No. 160/2019**

**CNR.No.TNKK08-000247-2019**

Alphonse, S/o. Late. Asirvatham, Christian, Nadar, aged 62 years, residing at Kottaravilai, Poovancode Desom, Mecode Village, Kalkulam Taluk, Kanniyakumari District. ... Plaintiff

**Vs./**

1. Therasammal, W/o. Late. Asirvatham, Christian, Nadar, Aged 84 years, residing at Kottaravilai, Poovancode Desom, Mecode village, Kalkulam Taluk, Kanniyakumari District. (died)
2. Lucase, S/o. Late. Asirvatham, Christian, Nadar, Aged 62 years, residing at Kuzhikalavilai, Mecode Village, Kalkulam Taluk, Kanniyakumari Distict.
3. Franchis, S/o. Late. Asirvatham, Christian, Nadar, aged 61 years, residing at Kottaravilai, Poovancode Desom, Mecode Village, Kalkulam Taluk, Kanniyakumari District.
4. Mathiyas, W/o. Late. Asirvatham, Christian, Nadar, aged 59 years, residing at Kottaravilai, Poovancode Desom, Mecode Village, Kalkulam Taluk, Kanniyakumari Distict.
5. Christu Dhas, S/o. Late. Asirvatham, Christian, Nadar, aged 57 years, residing at Kottaravilai, Poovancode Desom, Mecode Village, Kalkulam Taluk, Kanniyakumari District.

6. Nirmala, D/o. Late. Asirvatham, W/o. Stephen, Christian, Nadar, aged 55 years, residing at Chetticharvilai, Madanvilai, Veeyanoor Post, Mecomde Village, Kalkulam Taluk, Kanniyakumari District.

(The 1<sup>st</sup> defendant died on 04.04.2021. The plaintiff and defendant 2 to 6 are recorded as her legal heirs as per order passed in I.A.No. 3/2021 dated 15.10.2022) ... Defendants

|                           |              |
|---------------------------|--------------|
| Date of presentation      | : 07.11.2019 |
| Date of last presentation | : 14.11.2019 |
| Date of Filing            | : 18.11.2019 |

This suit is filed for preliminary decree for metes and bounds partition of the plaintiff's 1/9th share over the plaint schedule property and declaration that the sale deed No. 1822 of 2001 dated 22.11.2001 of Verkilambi Sub Registrar Office executed by the first defendant in favour of the 5<sup>th</sup> defendant as null and void and not binding on the plaintiff.

The cause of action of the suit arose in 1950, the date of oral partition between Gnanamuthu, Joseph and Asirvatham, and on 27.03.1989 being the date of death of Asirvatham and on 22.11.2001 being the date of sale deed executed by first defendant Theresammal in favour of fifth defendant Christudhas and on 03.06.2019 being the date of oral demand and on 06.06.2019 being the date of knowledge of the fraudulent document and the same arose at Mecomde village, Kalkulam Taluk, Kanniyakumari District where the suit

property is situated and the same is within the jurisdiction of this Honourable Court.

For the purpose of jurisdiction and Court fee the suit is valued as follows:

i) That the A relief of metes and bounds partition is valued at Rs.11,753/- being the value of the 1/9th share claimed by the plaintiff in the plaint schedule property and fixed court fee of Rs.5,000/- is paid under section 37(2) of the Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955. ii) The B relief of declaration that the sale deed executed by the first defendant in favour of the fifth defendant is declared as null and void is valued at Rs.5,000/- and a court fee of Rs.150/- is paid under section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955.

This suit is coming before me for final hearing in the presence of Mr. S. Muthukumaresh, learned counsel for the Plaintiff and Mr. S. Alwin Vethamoni, learned counsel for the defendants D2 to D6 and D1 died. Upon hearing the both side counsel and on perusal of the records stood over for consideration till this day, this court doth decree as follows:-

### **Decree**

1. that the suit be and is hereby decreed,
2. that the suit be and is hereby granting a preliminary decree for partition of plaintiff's 1/9th share over the plaint schedule property.

3. that the suit be and is hereby granting a decree declaring the sale deed No. 1822/2001 dated 22.11.2001 of Verkilambi Sub Register Office executed by 1<sup>st</sup> defendant infavour of 5<sup>th</sup> defendant as null and void.
4. that the suit be and is hereby copy of judgment and decree is ordered to be sent to the SRO, Verkilambi to note down the fact of nullity of Sale deed No. 1822/2001 dated 22.11.2001.
5. that there shall be no order as to costs.

Given under my hand and seal of this court, this 02<sup>nd</sup> day of June 2026. .

Additional District Munsif,  
Padmanabhapuram.

**Particulars of cost**

Cost memo not filed.

Cost not allowed.

**SCHEDULE OF PROPERTY**

|             |   |                            |
|-------------|---|----------------------------|
| District    | - | Kanniyakumari              |
| Taluk       | - | Kalkulam (Now Thiruvattar) |
| Old Village | - | Mecode                     |
| New Village | - | Kumarankudi                |
| Desom       | - | Poovancode                 |
| Old.Sy.No.  | - | 314                        |
| Re.Sy.No.   | - | 150/1C                     |
| Extent      | - | 4.250 cents                |

**Description of property:**

4 ¼ cents extent of immovable property with D.No.6-88 house with electric connection with land and trees.

**Boundaries:**

|       |   |                    |
|-------|---|--------------------|
| North | - | Property Chellan   |
| South | - | Pathway            |
| East  | - | Road               |
| West  | - | Property of Joseph |

S.T.

H.C.

ADM.

DMC, Padmanabhapuram.  
O.S.No.160/2019  
(CNR.No.TNKK08-000247-2019)  
Decree:  
Dt: 02.06.2026.