

TNKK150018312018

**IN THE COURT OF THE SUBORDINATE JUDGE, ERANIEL****Present : Thiru. R. Karl Marx, B. L.,
Subordinate Judge, Eraniel**Friday, the 12th day of June, 2026**Original Suit No.404/2018
(CNR No.TNKK15-001831-2018)**

Suhirth, S/o.Krishnan Kutty, aged 52, Hindu, residing at Door No.4/175,
Suhirth Bhavan, Kazhuvanthittai Colony, Kuzhithurai & Post, Maruthancode
Village, Vilavancode Taluk, Kanyakumari District. ... Plaintiff

-VS-

1. A. Jeyan, S/o. Late. Arumugham, aged 55, Hindu, Tamil Nadu
Transport Corporation, residing at Door No. 23/119, Vaishnavi, Near G.P.
School, Sasthankarai, Colachel, Colachel Post, Colachel Village, Kalkulam
Taluk, Kanyakumari District. (Died on 03.08.2022)

2. Mallika, W/o. Paul, aged 65, Erikarai Street, Velmurugan Nager,
Madurai District. (Died on 27.11.2022) *

3. Anusha Shiny, D/o.Krishnan, aged 38, Chandrika Appartment,
Bharathi Nager, Thuckalay & Post - 629 175, Kanyakumari District. *

4. Anish Babu, S/o. Krishnan, aged 29, residing at Chandrika
Appartment, Bharathi nager, Thuckalay & Post - 629 175, Kanyakumari
District, now residing at Padar Nilam, Parapattu, Naduvoorkarai, Mandaikad
Post, Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District.*

5. Shanmuga Vadivel, S/o. Muthuswamy, aged 53, residing at Patharai Oor, Vallaraivilai Veedu, House No.12/71, Reethapuram Post-629 159, Kanyakumarai District.*

6. Balasubramaniam, S/o. Muthuswamy, aged 51, residing at Patharai Oor, Vallaraivilai Veedu, House No.12/71, Reethapuram Post - 629 159, Kanyakumari District.*

7. Kumar, S/o. Muthuswamy, aged 46, residing at Santhi IInd Cross Street, Vellacheri -25, Seethupathy Nager, Chennai - 600 042. *

8. M. Paul, C/o. Manikam, aged 76, residing at No.5, Arikarai Street, Velmurugan nagar, Bye Pass Road, Madurai South, Madurai 625 016. **

9. Anitha Mary, W/o. Iruthaya Raj, aged 47, residing at 65/1, JMJA Krupa, 1st Main 1st Cross, Near Oxford School, LB & Nagar, Bangalore, Karnataka 560 017. **

10. Andrews, S/o. Paul, aged 45, residing at F3, Dolours Villa, 4/3, Ameerjan Street, Choolaimedu, Chennai - 600 094.**

11. Kumari Kavitha, D/o. Paul, aged 44 years, residing at Flat No.15, Lakshmi Apartments, 12/14, Athreyapuram Main Road, Choolaimedu, Chennai - 600 094.**

12. Malarvizhi, W/o.Raj, aged 57 years, residing at Door No. 6/229, Pulluvilai, Naduvoorkarai, Mandaikad & Post, Manavalakurichi Village, Kalkulam Taluk, Kanyakumari District. *** ... Defendants

(* Defendants 2 to 7 impleaded as per order in I.A. No.4/2022, dated 18.10.2024.

** Defendants 8 to 11 impleaded as per order in I.A. No.10/2023, dated 28.10.2024.

*** 12th defendant is impleaded as per order in I.A. No.9/2023, dated 28.10.2024.)

Plaint presented on : 05.12.2018

Plaint last represented on : 21.12.2018

Plaint numbered on : 21.12.2018

For the purpose of jurisdiction the Court fee of the “A” relief of Partition, the suit is valued for the plaintiff share of Rs. 6,83,950/-, the half share of the plaintiff in the schedule properties, the court fees for Rs. 20,519/- is paid under section 37 (1) of Tamil Nadu Court Fees Act 1955 (Amendment Act 6 of 2017.)

Cause of action arose on 25.01.2017, 18.03.2017 & 25.10.2018 arose at Colachel Village, which is within the jurisdiction of this Court.

This suit is came up on 08.06.2026 for final hearing before me in the presence of Mr. S.Raja Retinam, Counsel for Plaintiff and M/s. P.John Xavier, Counsel for Defendants 5 to 7 and Mr. S. Raviraj Counsel for 10th defendant and defendants 1 and 2 died and defendants 3, 4, 8, 9, 11 and 12 were called absent and set exparte and written arguments notes filed by the plaintiff and 10th defendant and upon hearing the arguments of plaintiff and defendants 5 to 7 and 10 after perusing all the available records and having stood over for consideration till this day, this court doth order and preliminary decree as follows :

i) that the suit schedule properties hereby divided into 1/2 share each by metes and bounds and be allotted 1/2 share to the plaintiff.

ii) that the plaintiff is at liberty to apply before this Court for appointment of Advocate Commissioner for such division as stated above, the plaintiff is allotted 1/2 share over the suit schedule properties.

iii) In order to comply the direction of the Hon’ble Supreme Court of India, in Civil Appeal No. 6406 - 6407 of 2010, office is directed to list the above case, before this Court by 03.08.2026, for final decree proceedings.

iv) that there be no costs.

Particulars of costs

	Plaintiff Rs.	Defendants Rs.
1. Vakalath	10.00	Cost memo not filed
2. Court Fees	20,519.00	
3. Process charges	100.00	
4. Stamping charges	20.00	
5. Typing charges	150.00	
6. I.A. Petition charges	100.00	
7. Advocate Fees	15,990.00	
Total	36,889.00	

Plaintiff side certified cost Rs.36,889/-

SCHEDULE OF PROPERTIES**Item No.1**

District : Kanyakumari
 Sub District : Colachel
 Taluk : Kalkulam
 Village : Colachel
 Desom : Sasthankarai
 Old Survey Number : 7704 C
 Re- Survey Number : P1 - 18/3
 Extent : 13 cents 500 sq. links

Description of Property:

House site 13 cents 500 square links, half share in Colachel Municipality
Door no. 23/119 (old. No. 28/36A2) House including Electric connection ASU
“A” 377 Colachel EB etc.

Boundaries:

North	:	Edavazhi
East	:	Property of Vijayan
West	:	Road
South	:	Property of Charles

Item No . 2

District	:	Kanyakumari
Sub District	:	Colachel
Taluk	:	Kalkulam
Village	:	Reethapuram
Old Survey Number	:	7933
Re- Survey Number	:	372/10D
Extent	:	11 cents 500 sq. links

Description of property

Half share Parambu Veedu Purayidam with trees therein.

Boundaries:

East	:	Property of Ganesan
West	:	Pathway & Property of Chellappan
North	:	Property of Kumar
South	:	Property of Selvaraj

Given under my hand and the seal of this court, this the 12th day of June,
2026.

Sd/-R. Karl Marx

D.C

Shr.

**Sub Judge,
Eraniel.**

Sub court, Eraniel.
Fair/Draft Judgement
O.S. No.404/2018
Date: 12.06.2026