

In the Court of the Principal District Judge at Kanchipuram

Present: Tmt. Deepthi Arivunithi, M.L.,

Principal District Judge, Kanchipuram

Thursday, the 26th day of March 2026

O.S.No. 55/2022

(CNR No.TNKP060005022022)

J. Janaki

.. Plaintiff.

Vs.

1. Smt. Mageshwari
2. Mr. J. Nandakumar
3. J. Manikandan
4. Smt. Saritha

.. Defendants.

This suit came before me on 26.02.2026 for final hearing before me in the presence of M/s. P. Senthilkumar, D.V. Srinivasan, P. Sathyanarayanan, P. Karthiban, Advocates for plaintiff and the defendants being called absent set ex parte and upon hearing the plaintiff side and having stood over for consideration till this day, this court delivered the following

JUDGMENT

Plaint filed under Order VII Rule 1 C.P.C. to pass a preliminary decree for partition declaring the plaintiff to be entitled to 1/5th share in the suit schedule property; for appointing an advocate commissioner for actual division of the property by metes and bounds; for costs and for such other reliefs as may be deemed fit and proper.

2. The defendants have remained absent despite service of summons and were therefore set *ex parte*. On behalf of the plaintiff, PW1 was examined and Ex. A1 to A14 were marked.

3. The case of the plaintiff is as follows. The 1st defendant is the plaintiff's mother, the 2nd and the 3rd defendants are her brothers and the 4th defendant is her younger sister. The property is situated at Survey No. 48/2, Plot No.166, Sri Mehta Nagar, Andankuppam, Kundrathur, Chennai – 600069 comprising an extent of 1800 sq.ft., of land with two shops and one house specified in item No. 1 of the Schedule. Another property is situated at Old Survey No. 26/1 part and New Survey No. 117/6 comprising an extent of 215 sq.ft., of land and house bearing No. 4, Arnthathipuram II Street, Esa. Pallavaram, Chennai 600043 specified as item No. 2 of the suit schedule property. Item No. 1 of the property was purchased by the plaintiff's father on 26.05.1994 for a valuable consideration and the same was registered as document No. 2640/1994. Thereafter her father constructed a house and the entire family resided in the premises as a joint family. Item No. 2 of the suit property was obtained by the plaintiff's father from his ancestor and patta stands jointly in the name of the plaintiff and the defendants. The plaintiff's father died on 15.06.2014 leaving behind the plaintiff and the defendants as his legal heirs. The suit properties are jointly possessed by them. The plaintiff approached the defendants for an amicable partition. However, the same was not done despite repeated requests. Hence, a legal notice was

sent on 27.11.2021 and the same was received by the defendants. However there was no reply or partition. Hence, the suit.

4. The following documents are produced by the plaintiff in order to prove her claim. The sale deed dated 26.05.1994 is marked as Ex. A1. The encumbrance certificate is marked as Ex. A2. The death certificate of K. Jeevarathinam, the father of the plaintiff is marked as Ex.A3. The legal heir certificate of the said person is marked as Ex. A4. The guideline value of the suit schedule properties are marked as Ex. A5 and Ex. A6. The photographs of the properties with CD are marked as Ex. A7 and Ex. A8. The legal notice and the acknowledgement cards are marked as Ex. A9 to Ex. A13. The joint patta in the name of the plaintiff and the defendants are marked as Ex. A14.

5. Upon perusal of the materials on record, this court finds as follows. On perusal of Ex. A1 sale deed it is seen that Item No. 1 of the suit schedule belonged to the father of the plaintiff. A perusal of Ex. A14 would show that after the demise of her father, a joint Patta was granted in favour of the plaintiff and the defendants herein. Upon perusal of the death certificate and the legal heir certificate, it is seen that the father of the plaintiff died and the plaintiff and the defendants are his legal heirs. Since property has devolved on the legal heirs consequent to the death of (late) K. Jeevarathinam, this court finds that the plaintiff is entitled to 1/5th share in the suit property. As far as Item No.2 is concerned, though it is claimed that it was an ancestral property, there are no pleadings as to how the property devolved solely

upon (late) K. Jeevarathinam. However, as per Ex. A14, it is seen that the joint Patta is issued in the name of the plaintiff and the defendants 1 to 4. Though Patta is not a document of title, there are materials produced to show that the plaintiff and the defendants are in possession and enjoyment of the said property. The defendant have not appeared and produced any material to the contrary. Hence, in the absence of any material to the contrary, this court finds that the plaintiff is entitled to the relief of partition as prayed for.

6. In result, this suit is decreed as prayed for and a preliminary decree is passed declaring that the plaintiff is entitled to 1/5th share in the suit schedule property. Considering the nature of the suit no costs are imposed.

Partly dictated to the Steno-typist, transcribed and typed by her in computer, corrected and pronounced by me in open court, this the 26th day of March 2026.

Principal District Judge
Principal District Court
Kancheepuram.

Witnesses on Plaintiff's side:

P.W.1 J. Janaki

Exhibits on Plaintiff's side:

Ex.A.1	26.05.1994	Certified copy of Sale Deed stands in the name of plaintiff's father K. Jeevarathinam vide Document No. 2640/1994 on the file of Kundrathur SRO
Ex.A.2	25.02.2022	Copy of Online copy of Encumbrance certificate of Pallavaram SRO first two pages

Ex.A.3	09.07.2014	Online copy of Death certificate of the plaintiff's father K. Jeevarathinam issued by Kundrathur Town Panchayat vide Registration No. 129/2014/01.
Ex.A.4	18.09.2014	Copy of Legal heir certificate of the plaintiff's father K. Jeevarathinam issued by Thasildhar, Sriperumpudur vide Registration No. PA.Mu. 21147/2014/A3
Ex.A.5	26.02.2022	Online copy of Guideline value as per registration department for survey No 48/2 of Kundrathur village
Ex.A.6	26.02.2022	Online copy of Guideline value as per registration department for Pallavaram Property
Ex.A.7	---	Photo with CD for the kundrathur property
Ex.A.8	---	Photo with CD for the Pallavaram property
Ex.A.9	27.11.2021	Office copy of Lawyer notice issued by plaintiff to the defendants
Ex.A.10	30.11.2021	Acknowledgement card received by the first defendant
Ex.A.11	30.11.2021	Acknowledgement card received by the second defendant
Ex.A.12	30.11.2021	Acknowledgement card received by the third defendant
Ex.A.13	01.12.2021	Acknowledgement card received by the fourth defendant.
Ex.A.14	08.12.2016	The joint patta in the name of the plaintiff and the defendants.

Exhibits and Witnesses on Defendants' side: NIL.

Principal District Judge,
Principal District Court,
Kancheepuram

Draft/Fair Judgment
O.S.No. 55/2022
Principal District Court ,
Kanchipuram
Date: 26.03.2026

