

In the Court of the Additional Subordinate Judge at Kanchipuram

Present: Thiru.T.Thirunal, B.A.,B.L.,

Additional Subordinate Judge,Kancheepuram. (FAC).

Thursday the 30th day of April 2026

O.S.No.114/2023

C.N.R.No.TNKP07000461/2023

Annappan

.. Plaintiff

Vs.

1. Karunakaran,
2. Ramakrishnan,
3. Udhayasuriyan,
4. Sumathi,
5. Chitra.

.. Defendants

This suit is coming on 15.04.2026 for final hearing before me in the presence of M/s.E.L.Kannan, E.Kalidoss, A.Dinesh, G.Pasupathi, A.Gowtham, and N.Mageshsha Advocates for plaintiff and defendants 1 to 5 called absent set exparte and upon hearing the arguments of Plaintiff side and having stood over for consideration till this day, this court delivered the following

JUDGEMENT

Suit for preliminary decree for partition and separate possession of plaintiff's 1/2 share in respect of the schedule mentioned property, failing which to pass a final decree in terms of preliminary decree by appointing an advocate commissioner to make division the schedule mentioned

property by metes and bounds and for costs of the suit.

2. Brief averments in the plaint are as follows:

The schedule mentioned properties are ancestral property of the plaintiff and one the deceased Jayaraman. The plaintiff and Jayaraman are the sons of Late.Aadhi. After the death of the said Aadhi, the plaintiff and the said Jayaraman were in joint ownership and possession and enjoyment of the properties. The said Jayaraman died intestate leaving all of the defendants as his legal heirs. After the death of above said Jayaraman, the plaintiff and the defendants are in joint ownership, possession and enjoyment in the suit properties. The patta in respect of the suit property is standing in the joint name of the plaintiff and the deceased Jayaraman. Therefore the plaintiff is entitled to $\frac{1}{2}$ share in the suit property. The plaintiff has all throughout been demanding his legitimate $\frac{1}{2}$ share in the properties. Several rounds of mediation held by elders in the family and well wishers have not resulted in any proper settlement. Since the defendants have not come forward for a proper lawful partitioning of the properties the plaintiff is ultimately left with no other option and the plaintiff issued a legal notice dated 17.02.2023 calling upon the defendants to effect partition of the property mentioned in the schedule, by metes and bounds. The legal notice was received by the defendants, and so far as no reply was given on the side of the defendants. There are no joint family debts or encumbrance over the suit properties. Hence, the plaintiff is

obliged to file this suit for partition and separate possession of his 1/2 share in the schedule mentioned properties with regard to the good and bad soil by metes and bounds by appointing an advocate commissioner in the final decree proceedings. Hence, this suit is filed.

4. The defendants 1 to 5 were remained exparte.

5. Point for Consideration:

1. Whether the Plaintiff is entitled for 1/2 shares in schedule mentioned property as prayed for?
2. To what other relief plaintiff is entitled to?

6. On the side of the plaintiff, Plaintiff is examined as P.W.1 and Ex.A.1 to A.9 were marked. On the side of the defendants, no oral and documentary evidence adduced.

7. On Issues :

On perusal of records and evidence of the P.W.1 this court found that the schedule mentioned properties are ancestral property of the plaintiff and one the deceased Jayaraman. The plaintiff and Jayaraman are the sons of Late.Aadhi. After the death of the said Aadhi, the plaintiff and the said Jayaraman were in joint ownership and possession and enjoyment of the properties. The said Jayaraman died intestate leaving all of the defendants as his legal heirs. After the death of above said Jayaraman, the plaintiff and the defendants are in joint ownership, possession and enjoyment in the suit properties. The patta in respect of the suit property is

standing in the joint name of the plaintiff and the deceased Jayaraman. The online copy of joint patta No.123 has been marked as Ex.A.1 Therefore the plaintiff is entitled to 1/2 share in the suit property. The plaintiff has all throughout been demanding his legitimate 1/2 share in the properties. Several rounds of mediation held by elders in the family and well wishers have not resulted in any proper settlement. Since the defendants have not come forward for a proper lawful partitioning of the properties the plaintiff is ultimately left with no other option and the plaintiff issued a legal notice dated 17.02.2023 calling upon the defendants to effect partition of the property mentioned in the schedule, by metes and bounds as evidenced from Ex.A.2.. The legal notice was received by the defendants, and so far as no reply was given on the side of the defendants as evidenced from Ex.A.3 to A.7. The guideline value of the suit property is marked as Ex.A.8. The UDR-A-register copy issued under RTI act is marked as Ex.A.9. There are no joint family debts or encumbrance over the suit properties. Hence the Plaintiff is entitled for 1/2 share in the plaint schedule mentioned property. The defendants were called absent and set exparte. But the Plaintiff proved his case through the evidence of P.W.1. and Ex.A.1 to A.9. Hence this court decided that the Plaintiff is entitled to get 1/2 share in the schedule mentioned property.

In the result, suit is decreed by passing preliminary decree for partition and divide the suit property into two equal shares and allot one such share to the plaintiff with regard to the good and bad soil by metes and bounds by appointing an advocate commissioner in the final decree proceedings. No costs.

Directly dictated to the Shorthand writer, typed by her, corrected and pronounced by me in open court, this the 30th day of April 2026.

Additional Subordinate Judge,
Kanchipuram.(FAC)

Witnesses on Plaintiffs' side:

P.W.1 Annappan

Exhibits on Plaintiffs' side:

Ex.A.1		Online copy of joint patta No.123
Ex.A.2	17.02.2023	Legal Notice to defendants by plaintiff.
Ex.A.3		Postal acknowledgment card of the 1 st defendant.
Ex.A.4		Postal acknowledgment card of the 2 nd defendant.
Ex.A.5		Postal acknowledgment card of the 3 rd defendant.
Ex.A.6		Postal acknowledgment card of the 4 th defendant.
Ex.A.7		Postal acknowledgment card of the 5 th defendant.
Ex.A.8		Online copy of Guideline value of the suit property.
Ex.A.9		UDR-A-register copy issued under RTI act

Exhibits and witnesses on Defendants side: NIL

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Kanchipuram.(FAC).