

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR

PRESENT:- **THIRU K.H. ELAVAZHAGAN, B.Sc., M.L.,**

DISTRICT AND SESSIONS JUDGE.

Thursday, the 09th day of October, 2025

ORIGINAL SUIT NO.289/2024
[CNR.No.TNKR-01-002816-2024]

1. N.Thangavel

2. S.Uthami

..Plaintiffs

/vs./

1. Natesan

2. K. Murugesan

3. K. Appavu

4. Lakshmi

..Defendants

(Amended as per order in I.A.1/2025 Dated : 19.07.2025)

This suit is coming on 15.09.2025 for final hearing before me in the presence of Thiru T. Saravanan, Advocate for the plaintiff and the defendants remained set exparte, upon hearing the argument of plaintiff's side and upon perusing the records and having stood over till this day for consideration, this Court delivered the following

JUDGMENT:-

This suit has been filed by the plaintiffs against the defendants for partition to dividing the suit properties with reference to the good and bad nature of soil, and allot Acre 4.50 to the plaintiffs and deliver separate possession to the plaintiffs and for costs.

2) Brief facts of the plaint would run is as follows:-

2.1 The 1st plaintiff is the brother of the 2nd plaintiff. The father of the plaintiffs

namely one Nallasamy Gounder had purchased the suit properties through a registered sale deed dated 16.07.1964 for better and valuable consideration from one Karuppayee ammal, her son Venkatachala Nadar representing his minor sons namely Nachimuthu, Karuppa Nadar, Nachimuthu Nadar representing his minor sons namely Dhuraisamy and Appavu. The father of the plaintiffs purchased and extent of Acre 4.50 in common in the survey numbers 1031, 1077 and 1079 out of Acre 5.15 from the defendants family. The remaining extent belongs to the defendants herein. The defendants are the other family members and decedents of the vendors of the plaintiff's father.

2.2 The aforesaid Nallasamy Gounder died intestate on 15.08.1992 leaving behind him the plaintiffs is as his legal heirs to succeed his estate. The property purchased by the father of the plaintiffs, presently covered under S.F.No.1031, 1077/B1 and 1079/1. Even after the demise of the father of the plaintiffs, the plaintiffs are enjoying the suit properties jointly in common along with the defendants without any valid partition till date.

2.3 The plaintiffs demanded the defendants for amiable partition and separate possession of the suit properties for which the defendants are not amenable. The efforts taken by the mediators for amicable partition are ended in vein. The plaintiffs have already issued the legal notice for partition on 05.10.2021, the defendants after receiving the legal notice, have issued a reply notice dated 18.10.2021 and after which they have played a delaying tactics. At last in the month of August 2024, the plaintiffs continuously tried for the amicable partition but the defendants have not paid any heeds for the words of the plaintiff. In these circumstances, the plaintiffs have no other go except to file the suit for relief of partition and for the separate possession. Hence, this suit.

3) On the plaintiffs' side PW.1 has been examined and Ex.A1 to A.8 were marked. The defendant having been called absent set exparte.

6) ANSWERING TO THE POINT :-

6.1 Heard the Plaintiff's side. I have gone through the material available on records.

6.2 The case of the plaintiff is that the 1st plaintiff is the brother of the 2nd plaintiff. The father of the plaintiffs namely one Nallasamy Gounder had purchased the suit properties through registered sale deed dated 16.07.1964 for better and valuable consideration from one Karuppayyee ammal, her son Venkatachala Nadar representing his minor sons namely Nachimuthu, Karuppa Nadar, Nachimuthu Nadar representing his minor sons namely Dhuraisamy and Appavu. The father of the plaintiffs purchased and extent of Acre 4.50 in common in the survey numbers 1031, 1077 and 1079 out of Acre 5.15 from the defendants family. The remaining extent belongs to the defendants herein. The defendants are the other family members and decedents of the vendors of the plaintiff's father.

6.3 He would further submit that the aforesaid Nallasamy Gounder died intestate on 15.08.1992 leaving behind him the plaintiffs is as his legal heirs to succeed his estate. The property purchased by the father of the plaintiffs, presently covered under S.F.No.1031, 1077/B1 and 1079/1. Even after the demise of the father of the plaintiffs, the plaintiffs are enjoying the suit properties jointly in common along with the defendants without any valid partition till date.

6.4 He would further submit that the plaintiffs demanded the defendants for amiable partition and separate possession of the suit properties for which the defendants are not amenable. The efforts taken by the mediators for amicable partition are ended in vein. The plaintiffs have already issued the legal notice for

partition on 05.10.2021, the defendants after receiving the legal notice, have issued a reply notice dated 18.10.2021 and after which they have played a delaying tactics. At last in the month of August 2024, the plaintiffs continuously tried for the amicable partition but the defendants have not paid any heeds for the words of the plaintiff. In these circumstances, the plaintiffs have no other go except to file the suit for relief of partition and for the separate possession. Hence, this suit.

8. After filing the vakkalath the defendants called absent, set exparte. Heard the side of the plaintiffs.

9. To substantiate the claim, the plaintiff was examined as P.W.1. and during the course of his examination, Ex.A1 is the sale deed stands in the name of the father of the plaintiffs dated 16.07.1964. Ex.A.2 is the Death Certificate of Nallasamy Gounder Dated 15.08.1992. Ex.A.3 is the Legal Heir Certificate of Nallasamy Gounder dated 15.02.2007. Ex.A.4 is the Patta stands in the name of the Murugesan and 2 others. Ex.A.5 is the Patta stands in the name of the Lakshmana Gounder and 5 others. Ex.A.6 is the Patta stands in the name of the Murugesan and 3 others. Ex.A.7 is the legal notice issued by the plaintiffs' counsel to the defendants dated 05.10.2021. Ex.A.8 is the reply notice issued by the defendants' counsel to the plaintiffs dated 18.10.2021.

10. However, on perusal of Ex.A.1 and A.8 were the suit properties are Joint family property.

11. The plaintiff has filed this suit to dividing the suit properties with reference to the good and bad nature of soil, and allot Acre 4.50 to the plaintiffs and they hold that the suit properties are the joint possession of the plaintiffs and the defendants and as there is no contra evidence on the part of the defendants, this Court

holds that the suit properties are the joint possession of the plaintiffs and the defendants and therefore, this Court further holds that the plaintiffs are entitled to get Acre 4.50 in the suit properties and the point is answered accordingly.

In Kattukandi Edathil Krishnan and another Vs. Kattukandi Edathil Valsan and others. (Civil Appeal No.(s) 6404 -6407 of 2018 decided on 13.06.2022) The Honourable Supreme Court of India in para 33. held that

“ Once a preliminary decree is passed by the trial court, the court should proceed with the case for drawing up the final decree sue motto. After passing of the preliminary decree, the trial court has to list the matter for taking steps under Or.20 Rule 18 of CPC. The court’s should not adjourned the matter sine die, as has been done in the instant case. There is also no need to file a separate final decree proceedings. The court should allow the concerned party to file an appropriate application for drawing of the final decree. Needless to state that the suit comes an end only when a final decree is drawing”

Therefore the case is listed for taking steps under Order XX Rule 18 of the CPC or the Court shall suo motto takeup the case for final decree.

In the result, the suit is decreed. A preliminary decree for partition is passed to divide the suit properties and allot Acre 4.50 to the plaintiffs. The plaintiffs are directed to file an application under order XX rule 18 of CPC for passing final decree within 2 months from this judgment, in case of failure to do so which this Court shall suo motto takenup the case for final decree. Therefore call this case on 10.12.2025 for further steps. Considering the relationship between the parties it is ordered to bear the costs of their own.

Dictated to the Steno typist, typed by her directly on computer, corrected and pronounced by me in the open court on the 09th day of October, 2025.

**DISTRICT AND SESSIONS JUDGE,
KARUR.**

PLAINTIFF'S SIDE WITNESS:-

P.W.1 Thangavel (1st Plaintiff)

PLAINTIFF'S SIDE EXHIBITS:-

- Ex.A1. 16.07.1964 Certified copy of the sale deed stands in the name of the father of the plaintiffs.
- Ex.A2. 15.08.1992 Certified copy of the Death Certificate of Nallasamy Gounder.
- Ex.A3. 16.12.2024 Legal Heir Certificate of Nallasamy Gounder.
- Ex.A4. 18.06.2023 Patta stands in the name of the Murugesan and 2 others.
- Ex.A5. 20.03.2018 Patta stands in the name of the Lakshmana Gounder and 5 others.
- Ex.A6. 27.09.2024 Patta stands in the name of the Murugesan and 3 others.
- Ex.A7. 05.10.2021 Legal notice issued by the plaintiffs' counsel to the defendants.
- Ex.A8. 18.10.2021 Reply notice issued by the defendants' counsel to the plaintiffs

DEFENDANT'S SIDE WITNESS AND EXHIBITS:- NIL.

**DISTRICT AND SESSIONS JUDGE,
KARUR.**

**PRINCIPAL DISTRICT COURT,
KARUR**

O.S.No.289/2022

D.D.09.10.2025

DRAFT/ FAIR JUDGMENT
