

**THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI**

**PRESENT : Thiru.G.Ilangovan, B.Sc., M.L.,  
Principal District Judge, Pudukkottai.**

(Thiruvalluvar Aandu 2050, Vikari Varudam, Puratasi Thingal 7<sup>th</sup> Day)  
Tuesday, the 24<sup>th</sup> day of September 2019

**Original Suit No.39/2018**

1. Vallikkannu
2. Sarsu

... Plaintiffs

/Vs/

1. R. Muniyandi
2. Govindammal
3. Meenatchi

... Defendants

This suit came up before me for final hearing on 19.09.2019 in the presence of Tmt. A.Parveen Banu, Counsel for the plaintiffs and the defendants are called absent set exparte and after hearing the arguments of plaintiff's side, perusing the records and evidence, having stood for consideration till this date, this Court delivers the following,

**ORDER**

The suit is filed praying preliminary decree for partition with regard to 1/2 share in the suit properties.

**2. The gist of the averments in the plaint is as follows:**

The suit properties originally belongs to one Arangulavan @ Arangulalingam who is the brother of plaintiffs. He executed a settlement deed on 12-08-2010 in favour of his mother by name Kathayee. She died on 23-02-2017 leaving behind the plaintiffs and the defendants as legal heirs.

The husband of Kathayee also died long before the death of Kathayee. Arangulavan also died leaving behind the 2<sup>nd</sup> defendant the wife, 3<sup>rd</sup> defendant is the daughter of Arangulavan. After death of Arangulavan the 2<sup>nd</sup> defendant encroached the suit property and disputing the share of the plaintiffs. The plaintiffs are entitled to 1/4th share equally in the suit properties. So, the suit is laid for partition and the plaintiffs pray 1/2 share in the suit properties and for cost.

3. The defendant inspite of service of summons did not appear and so set exparte.

4. On the side of the plaintiff, two witnesses were examined and six documents marked.

**5. Point for consideration:**

Whether the plaintiffs are entitled for decree of partition as prayed for in the plaint?

**6. Point:**

From the pleadings and as well as from the plaint averments and notice it is seen that the suit properties originally belongs to one Arangulalingam who is the brother of the plaintiffs. Ex.A.1 is the original settlement deed executed by Arangulalingam in favour of his mother namely Kathayee. From Ex.A.3 it is seen that Kathayee also expired. From the evidence of P.W.1 it is seen that the husband of Kathayee also expired long before the death of Kathayee. Ex.A.4 is the Legal Heirs Certificate, it is further seen that Arangulalingam also expired. So, in such an event as per section of 15 on Hindu Succession Act 1956, the plaintiffs including the predeceased son or daughter and her husband are entitled to get equal share. Now as per Ex.A.4, the plaintiffs and the 1<sup>st</sup> defendant and 3<sup>rd</sup> defendant are the legal heirs. So, the plaintiffs, 1<sup>st</sup> defendant and deceased Arangulingam have 1/4th equal share in the suit properties. In the 1/4th share, daughter of the Arangulingam the 3<sup>rd</sup> defendant are entitled. So, the preliminary decree for partition can be passed with regard to 1/4th share each of the plaintiffs with cost.

In the result, preliminary decree is passed. The suit is decreed with regard to 1/4th share each of the plaintiffs with cost.

Dictated to the Steno-typist, transcribed and typed in computer by her, corrected and pronounced by me in the open Court, this the 24<sup>th</sup> day of September 2019.

**Sd/- G.ILANGOVAN,  
Principal District Judge,  
Pudukkottai.**

**List of the witnesses examined on the side of the plaintiffs:**

P.W.1 - Vallikkannu

P.W.2 - Chellaiya

**List of the documents marked on the side of the plaintiffs:**

1	Ex.A.1	12-08-2010	Certified copy of Settlement deed executed by the Arangulavan in favour of Kathayee
2	Ex.A.2	15-10-2018	House Tax receipt in the name of Kathayee.R- Original
3	Ex.A.3	17-14-2017	Copy of Death Certificate of R.Kathayee
4	Ex.A.4	23-06-2017	Legal Heir certificate of Kathayee - Original
5	Ex.A.5	29-01-2018	True copy of Advocate notice issued by the plaintiffs
6	Ex.A.6	--	Acknowledgement Cards - Original

**List of the witnesses and documents on the side of the defendants: Nil**

**Sd/- G.ILANGOVAN,  
Principal District Judge,  
Pudukkottai.**