



IN THE COURT OF THE DISTRICT MUNSIF, MUDUKULATHUR

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Monday, this the 23rd day of February 2026

O.S.No.1/2021

CNR No. TNRM09-000001-2021

Sukumar

....Plaintiff

/VS/

1. Karumalayan
2. Kumarayee
3. Soundharavalli
4. Rajeswari
5. Ramu
6. Karmegam
7. Murugesan
8. Sittu
9. Kumar
10. Kaliammal
11. Govindhammal
12. Nagavalli

..... Defendants



This suit came on 21.01.2026 before this court for a final hearing in the presence of Thiru.K.Alagarsamy, Learned Counsel for the Plaintiff and the Defendants remained Exparte, upon hearing arguments of the plaintiffs and having stood for consideration till date this court delivered the following:

JUDGMENT

The suit has been filed by the plaintiff for the prayer of preliminary decree and consequential final decree for partition and for cost.

2. The contention of the Plaintiff in brief:-

The suit properties in item numbers 1 to 9 in survey numbers 255/1E1, 256/2B, 270/2G, 304/7A2, 276/1B2 (Patta No. 173), survey number 252/6A in patta number 1384 and survey numbers in 303/4A, 303/4B, 271/10A in Patta number 1374 along with other properties are the ancestral properties of one Late.Kalani, who is the ancestor of the parties to the suit. The heirs of Late. Kalani are Sittu, Velli, Rakammal, Rakhi, Chinnapillai, Karuppan, Raman, and Veeramakali. After the death of Late Kalaani, his assets were divided equally among his above-mentioned five daughters and three sons, and the suit properties vested with his three sons, Karuppan, Raman and Veeramakali. The plaintiff and the defendants who are the legal heirs of Karuppan, Raman and Veeramakali have been enjoying the property jointly without any division till date. Since there is no



cordial relationship between the parties, Raman is entitled to $\frac{1}{3}$ share in the suit properties and his son Ramasamy and daughters Kaliasammal, Govindammal and Nagavalli, are entitled to $\frac{1}{4}$ share each in $\frac{1}{3}$ share of Raman in the suit properties. Out of the $\frac{1}{4}$ share this plaintiff is legally entitled to $\frac{1}{3}$ share of the property. The 1 to 9 defendants refused partition and on 25.12.2020 tried to sell the undivided property. Of these, 10 to 12 defendants have agreed to divide the property. Therefore, they have been included as Proforma defendants in the suit. Hence this suit for a preliminary decree for partition, and a consequential final decree for partition, to divide the $\frac{1}{3}$ share due to the plaintiff from defendants 1 to 12, according to Metes and Pounds.

3. After the suit was taken on file and summons were served to the defendants. The 1 to 8 defendants appeared before this court and after sufficient opportunity failed to file written statement, called absent and was set exparte. The 9 to 12 defendants did not appear the court, called absent and was set exparte. Hence, this case is preceded in their absence.

4. Point for consideration is:

Whether the Plaintiff is entitled to the relief as prayed for in the plaint?

**5. Evidence let in:**

To prove the case of the plaintiff, the plaintiff examined himself as PW1 and one Mr.Thiruneelan(V.A.O) was examined as PW2. Through PW1, Ex.A1 to Ex.A3 and through PW2, Ex.E1 to Ex.E3 were marked.

On the defendants side, they remained exparte and no evidence was adduced.

6. Answer to the Point:-

6.1. The case of the plaintiff is that the suit properties along with other properties originally belonged to Late. Kalani who is the ancestor of the parties to the suit. The said Kalani had five female and 3 male offspring. In an oral partition between the said legal heirs of Kalani, the suit properties vested with the 3 male offsprings namely, Karuppan, Raman and Veeramakali. They each are entitled to $\frac{1}{3}$ share in the suit properties. The patta for the suit properties (Ex A1, A2 and A3) in the name of Karumalayan son of Karuppan, Raman, Raman's son Ramasamy and Veeramakali produced to prove the oral partition. The Raman has 4 legal heirs namely Late.Ramasamy, Kaaliammal(10th defendant), Govindhammal (11th defendant) and Nagavalli (12th defendant) and they are each entitled to $\frac{1}{4}$ share each in the $\frac{1}{3}$ rd share of Raman. The plaintiff, 3rd, 4th defendants are the son, wife and daughter of Ramasamy and are entitled to $\frac{1}{3}$ share in the $\frac{1}{4}$ th share



of Ramasamy. Since the defendants are not willing to partition the suit properties and are trying to alienate the undivided property, this suit is filed for partition.

6.2. The plaintiffs have sufficiently proved the initial oral partition between the legal heirs of Late.Kalani by way of Ex.A1, A2 and A3. The plaintiff claims for partition of his share among the legal heirs of Karuppan, Raman and Veeramakali. The 1st, 2nd defendants are the son, daughter of the Karuppan. Karuppan, his one other daughter and his wife are deceased. The 5 to 9 defendants are the surviving legal heirs of Late.Veeramakali. The 10 to 12 defendants are the legal heirs of Late.Raman. The Raman has 4 legal heirs namely Late.Ramasamy, Kaaliammal(10th defendant), Govindhammal (11th defendant) and Nagavalli (12th defendant) and they are each entitled to 1/4 share each in the 1/3 rd share of Raman. The plaintiff, 3rd, 4th defendants are the son, wife and daughter of Ramasamy and are entitled to 1/3 share in the 1/4 th share of Ramasamy, S/o.Raman. The summons was served on the 1 to 8 defendants and they appeared before the court but failed to file a written statement even after providing sufficient opportunities and was set exparte. The 9 to 12 defendants even though the summons was served on them did not appear before the court to rebut the claims of the plaintiff. Hence the plaintiff has sufficiently discharged the initial burden and he is entitled to the relief of preliminary decree for partition as prayed for. Accordingly, this point is answered.



7. In the result, this suit is decreed as follows:

- a. the preliminary decree is passed that the plaintiff is entitled to get 1/36th share over the suit schedule properties;
- b. for passing final decree U/O XX R 18 of C.PC concerned party is directed to file an application for drawing up final decree as mandated by the **Hon'ble Supreme Court in Kattukandi Edathil Krishnan and others Vs Kattukandi Edathil Valsan and others** and hence case is to be listed on 13.03.2026
- c. there is no order as to cost.

Directly typed by me in my official laptop, aligned by the Steno Typist, corrected by me and pronounced in the open court, on this 23rd day of February 2026.

**District Munsif,
Mudukulathur.**

Plaintiff side Witness:-

PW1 - Thiru. Sukumar

PW2 - Thiru.Thiruneelan (V.A.O)

Plaintiff side Exhibits:-

Ex.A1 ... 23.09.2020 10(1) Patta in the name of Raman for S.No.255/1E1,256/2B, 270/2G, 304/7A2, 276/1B2- Online copy



Ex.A2 ... 23.09.2020 10(1) Patta for S.No.252/6A- Online copy

Ex.A3 ... 23.09.2020 10(1) Patta for S.Nos.30/4A, 303/4B, 271/10A- Online copy

Witness side Exhibits:-

Ex.X1 ... -- 10(1) Patta for the suit property (Compared with original)- True copy

Ex.X2 ... -- A Resister for the suit property (Compared with original)- True copy

Ex.X3 ... -- Adangal for the suit property (Compared with original)- True copy

Defendants side Witness and Exhibits:- Nil

**District Munsif ,
Mudukulathur.**