

IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS JUDGE,
ARAKKONAM, RANIPET DISTRICT.

PRESENT: Tmt.K.S.Jayamangalam, M.L.,
II Additional District & Sessions Judge,
Arakkonam.

Monday the 16th day of March 2026.

O.S.No.45/2024
CNR No.TNRP 050000892024

1. Nammazhwar
2. Bakkiyarathi
3. Geetha
4. Bhuvaneshwari
5. Vabishta
6. Shanmugam

...Plaintiffs

/vs/

Sundaramoorthy

...Defendant

This suit was originally taken on file as O.S.No.22/2024 on 19.02.2024 by the II Additional District & Sessions Court, Ranipet and now re-constituted as I Additional District & Sessions court, Ranipet after trifurcation and thereafter transferred to this court as per the proceedings of the Hon'ble Principal District Court, Ranipet in Dis.No.153/2024/A dt: 16.04.2024 and the same was renumbered as O.S.No.45/2024 on 12.06.2024 and the suit came up before me on 09.03.2026 for final hearing in the presence of Advocates Thiruvallargal K.M.Murali & V.E.Purushothaman appearing for the Plaintiffs and Advocate Thiru.S.Gopalakrishnan appearing for the defendant and considering that written statement not filed by the defendant, defendant called absent and set ex-parte and after hearing the arguments of plaintiffs' side, upon perusing the entire case records and having stood over for consideration till this day, this court delivers the following

JUDGMENT

Suit for passing a preliminary decree for partition and separate

possession to divide the suit properties into 7 equal shares and allot six such shares to the plaintiffs and for costs.

2. Brief of amended plaint runs as follows:-

The plaintiffs and the defendant are the legal heirs of one Perumal Naidu and Bangaru Ammal. The item No.1 of the suit property was purchased by Perumal Naidu under the Registered Sale deed dated: 05.05.1969. The item Nos. 5 and 6 of the suit properties was purchased by Bangaru Ammal under the Registered Sale deed dated: 11.06.1963. The item Nos. 2 to 4, 7 and 8 of the suit properties are the ancestral properties. The suit properties are the Joint family properties. The said Perumal Naidu died in the year 1971 and his wife Bangaru Ammal died in the year 2018. The plaintiffs and the defendant are the lawful legal heirs of them. The suit properties were enjoyed jointly by the plaintiffs and the defendant without partition. Patta No.187 stands in the name of 1st plaintiff for the 1st and 2nd items of the suit property and the patta No.208 stands in the name of Bangaru Ammal for the 5th and 6th items of the suit properties. Pata No.1316 stands in the name of Bangaru Ammal, the 6th plaintiff and the defendant. The 3rd item of the suit property stands in the name of plaintiffs' grand-father. There is no partition took place till date hence the 1st plaintiff executed a Settlement deed dated: 19.12.2022 in favour of his daughters namely Radhika, Menaga and Sureka in respect of 2nd item of the suit property. After knowing that, the plaintiffs 2 to 6 sent a Legal notice to the 1st plaintiff, his daughters and the defendant on 03.11.2023 to cancel the Settlement deed and to come forward for amicable partition. The 1st plaintiff received the said notice and gave a reply notice stating he realized his mistake and he agreed to cancel the Settlement deed and ready for partition. The defendant received the said Legal notice and gave a reply notice on 18.11.2023 stating that he is ready to partition the suit properties. After issuing reply notice the defendant did not come forward for partition. Hence, the plaintiffs are forced to file the present suit for partition.

3. The defendant appeared through his counsel, but he did not choose to file written-statement on his side, hence the defendant was called absent and was set ex-parte on 15.07.2025.

4. On the side of the plaintiffs, the 1st plaintiff was examined as P.W.1, through him Ex.A1 to Ex.A12 were marked.

5. **The point for consideration :**

1) Whether the plaintiffs are entitled for the relief as prayed for?

2) What other reliefs?

6. **Point Nos. 1 and 2:-**

The case of the plaintiffs is that the plaintiffs and the defendant are the Legal heirs of Perumal Naidu and Bangaru Ammal. The 1st item of the suit property was purchased by Perumal Naidu on 05.05.1969. The 5th and 6th item of the suit property were purchased by Perumal Naidu in the name of his wife Bangaru Ammal for the welfare of minors on 11.06.1963. The suit item Nos. 2, 3, 4, 7 and 8 are ancestral properties. The suit schedule properties are Hindu Joint family properties. The Perumal Naidu died in the year 1971 and Bangaru Ammal died in the year 2018. The plaintiffs and the defendant are the Legal heirs of their parents. The said Perumal Naidu and Bangaru Ammal died intestate without making any arrangement in respect of the suit schedule properties. As on today the suit properties were not divided among the plaintiffs and the defendant and enjoyed jointly by them. Since the 1st plaintiff is the eldest male member in their family for suit item Nos.1 and 2 the Patta No.187 was issued in his name, for suit item Nos.5 and 6 Patta No.208 was issued in the name of Bangaru Ammal. For suit item no.7 Patta No.1316 was issued in the name of Bangaru Ammal, 6th plaintiff and the defendant jointly. The 3rd item of the suit property stands in the name of plaintiffs grand-father. In respect of 2nd item of suit property, the 1st plaintiff executed a Settlement deed in favour of his daughters on 19.12.2022. After coming to know about the said Settlement deed the plaintiffs 2 to 6 issued a Legal notice to the 1st

plaintiff, his daughters and the defendant on 03.11.2023 stating that the Settlement deed executed by the 1st plaintiff is liable to be cancelled and he has to come forward to partition the suit schedule properties. After receipt of the said notice, the 1st plaintiff realized his mistake and cancelled the Settlement deed dated;19.12.2022 on 28.11.2023 and expressed his willingness for partition. The defendant after receipt of the Legal notice he sent a reply on 18.11.2023 in which he has alleged that many times he called the plaintiffs for partition but the same was refused by them. The defendant further alleged that he was ready to take his share if the suit properties are divided into 7 equal parts. Even after sending the reply the defendant did not come forward to partition the suit properties and delayed the same. On 29.11.2023, the plaintiffs approached the defendant and asked for partition but he refused therefore, left with no other option they have filed the present suit. The plaintiffs are having 6/7th share in the suit schedule properties. Hence, the present suit has been filed.

7. The defendant after receipt of the summons engaged his counsel thereafter he failed to file his written-statement despite granting several opportunities. On 15.07.2025, the defendant was set ex-parte for non-filing of his written-statement.

8. The case of the plaintiffs is that the suit schedule properties are the ancestral properties jointly enjoyed by them and during the life-time of their father and mother some of the properties were purchased in their name. The parents of the plaintiffs and the defendant died intestate without making any arrangement in respect of the suit schedule properties. Suddenly the 1st plaintiff executed a Settlement deed in favour of his daughters on 19.12.2022 and the same was cancelled thereafter on 28.11.2023. There were exchange of notices between the plaintiffs and the defendant even after sending the reply the defendant has not come forward for partition. Finally, the plaintiffs filed the present suit.

9. To prove the plaintiffs' case, the 1st plaintiff has been examined as P.W.1 and through him Ex.A1 to Ex.12 were marked. Ex.A1 is the sale deed in respect of 1st item of suit property purchased by the plaintiffs' father from one Duraisamy and others. Ex.A2 is the Sale deed filed to prove that suit item nos.5 and 6 were purchased in the name of Bangaru Ammal on behalf of minors. Ex.A3 is the patta for suit item nos.1 and 2 bearing Patta No.187. Ex.A4 is the patta for suit item nos.1 to 3 bearing Patta No.19. Ex.A5 is the Patta for suit item nos.5 and 6 bearing Patta No.208. Ex.A6 is the Patta for suit item no.7 bearing Patta No.1316. Ex.A7 is the Settlement deed executed by the 1st plaintiff in favour of his daughters dated:19.12.2022. Ex.A8 is the Legal notice sent by the plaintiffs 2 to 6 to the 1st plaintiff and the defendant dated: 03.11.2023, Ex.A9 is the Reply sent by the defendant dated:18.11.2023. Ex.A10 is the cancellation of Settlement deed dated: 28.11.2023. Ex.A11 is the sale deed dated: 26.12.1956 for suit item No.8 and Ex.A12 is the Encumbrance Certificate from 01.01.1975 to 25.12.2023.

10. The plaintiffs' side argued that they have proved their case through oral and documentary evidence despite the same the defendant has not taken any steps either to contest the case or to disprove the case of the plaintiffs. There is no contra evidence filed by the defendant to disprove the case of the plaintiffs. The plaintiffs have established their case through the sale deeds, and the revenue documents. In a suit for partition the defendant also can be treated as a plaintiff and he is entitled to get one share in the suit properties. There is no dispute with regard to the fact that the defendant is the Legal heir of Perumal Naidu and Bangaru Ammal. The defendant sent a reply in which he has clearly stated that he is ready for partition if the suit properties are divided into 7 equal shares which would go to show that he does not want to contest the suit. In view of the above discussion the points are answered in favour of the plaintiffs and the plaintiffs are entitled to get 6/7th share in the suit properties.

In the result, this suit is decreed without costs and Preliminary decree is passed by declaring that the plaintiffs are entitled to get 6/7th shares in the suit schedule properties.

Dictated by me to the Steno-Typist, typed by her directly to my dictation in computer and print taken out, corrected and pronounced by me in the open Court, this the 16th day of March 2026.

II Additional District & Sessions Judge,
Arakkonam.

Witness examined on the side of the Plaintiffs:-

P.W.1: Tr.Nammazhwar (1st Plaintiff)

Exhibits marked on the side of the Plaintiffs:-

- | | | |
|--------|------------|---|
| Ex.A1 | 05.05.1969 | Certified copy of Sale deed in respect of 1 st item of suit property |
| Ex.A2 | 11.06.1963 | Certified copy of Sale deed in respect of 5 th and 6 th items of suit properties |
| Ex.A3 | - | Xerox copy of Patta in respect of the item Nos. 1 and 2 (Patta No.187) |
| Ex.A4 | - | Xerox copy of Patta in respect of the item Nos. 1 to 3 (Patta No.19) |
| Ex.A5 | - | Xerox copy of Patta in respect of the item Nos. 5 and 6 (Patta No.208) |
| Ex.A6 | - | Xerox copy of Patta in respect of 7 th item of suit property (Patta No.1316) |
| Ex.A7 | 19.12.2022 | Registered Settlement deed executed by the 1 st plaintiff in favour his daughters in respect of 2 nd item of the suit property – Original |
| Ex.A8 | 03.11.2023 | Copy of Legal notice sent by the plaintiffs 2 to 6 |
| Ex.A9 | 18.11.2023 | Reply notice |
| Ex.A10 | 28.11.2023 | Registered cancellation of settlement deed executed by the 1 st plaintiff in respect of 2 nd item of the suit property |
| Ex.A11 | 26.12.1956 | Certified copy of Sale deed in respect of 8 th item of the suit property |

Ex.A12 01.01.1975- Encumbrance Certificate
25.12.2023

Witness examined and exhibits marked on the side of the defendant: Nil.

II Additional District & Sessions Judge,
Arakkonam.