

IN THE COURT OF THE SUBORDINATE JUDGE OF SANKARI.

Present: Thiru. E. Rajendra kannan, M.A., M.L.,
Subordinate Judge, Sankari.

Friday, this the 2nd day of July 2016

Original Suit No.81/2009

Thangamani

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Plaintiff

/Versus/

(*) 1. Gurusamy (**died**)]

2. Govindammal]

3. Vijayalakshmi]

4. Sampooranam]

5. Arunachalam]

6. Velusamy]

(**) 7. Lakshmi (**died**)]

Defendants

(*) Amended as per order in IA.No.257/2014, dated 10-4-2014

(**) Amended as per order in IA.No.188/2015, dated 29-7-2015

This suit is coming on this day for final hearing before me in the presence of Thiru. S. Senthilmurugan, Advocate for the Plaintiff, and of Thiru. S. Murugesan, Advocate for the 5th Defendant, and the D1 and 7 were reported dead, and the plaintiff abundant claim against them, the D2 to 4 and 6 were remained exparte, later the learned counsel for D5 reports no instruction for D5, later D5 is set as exparte, on recording the evidence of PW1 and exhibiting A1 to A15 and on hearing the arguments plaintiff side, this court delivered the following.

Judgment

To pass a in favour of the plaintiff and against the defendant, granting a decree against the defendants for partition of the suit properties into 56 equal shares and allot 12 shares to the plaintiff and 44 shares to the defendants 2 to 6 jointly and put the plaintiff into separate possession of her respective shares in the suit properties by appointing a commissioner through the process of law and award costs of the suit.

2. The plaintiff examined himself as PW1 and who Exhibits the Sale deeds in favour of Chinnappa gounder as Ex.A1 and A2, and Exhibits the Sale deed in favour of 1st defendant Gurusamy as Ex.A3, and Settlement deed in favour of Govindammal and others by 1st defendant as Ex.A4, and Cancellation of settlement deed by 1st defendant as Ex.A5, and two release deeds in favour of the plaintiffs are Ex.A6 and Ex.A7, and UDR Patta as Ex.A8, and Computer Patta as Ex.A9, and Legal notice issued by plaintiff sent to D1, D2, D5, D6 as Ex.A10, and Returned postal covers as Ex.A11, and Encumbrance Certificate are Ex.A12, Ex.A13 and Two Pattas in favour of Katheriyan as Ex.A14 series, and Patta in favour of Periyannan as Ex.A15. The PW2 is also supported the plaintiff's case in his evidence who fortified the contention of plaintiff and Ex.A1 to A15. Thereby the plaintiff proved the case beyond and doubt. Hence this court is find justification to grand Decree in favour of the plaintiff.

3. Finally, Preliminary Decree of partition passed it is hereby declared that the plaintiff is entitled to 12/56 shares and defendants 2 to 6 are jointly entitled to 44/56 shares into the suit properties,

4. The Defendants are hereby directed to divide the suit properties by mets and bounds into 56 equal shares and allot 12 shares to the plaintiff.

5. The Costs of plaintiff shall bear by the defendants.

Pronounced by me in open court, this the 2nd day of July 2016.

Sd/-E. Rajendra kannan,
Subordinate Judge,
Sankari.

Plaintiff's Witness:-

PW1 .. Tmt. Thangamani

PW2 .. Thiru. Manickam

Plaintiff's Exhibits:-

Ex.A1 / 28-5-1956 / Sale deed in favour of Chinnappa gounder / Original
Ex.A2 / 31-8-1960 / Sale deed in favour of Chinnappa gounder / Original
Ex.A3 / 29-2-1968 / Sale deed in favour of 1st defendant Gurusamy/ Original
Ex.A4 / 13-6-2005 / Settlement deed in favour of Govindammal
and others by 1st defendant / Original
Ex.A5 / 4-7-2008 / Cancellation of settlement deed by
1st defendant / Original
Ex.A6 / 10-10-08 / Release deed in favour of the plaintiffs / Original
Ex.A7 / 3-7-2009 / Release deed in favour of the plaintiffs / Original
Ex.A8 / 31-7-1985 / UDR Patta / Original
Ex.A9 / 22-5-2009/ Computer Patta / Original
Ex.A10/29-5-2009/ Legal Notice / Office Copy
Ex.A11/ / Returned Postal covers / Original
Ex.A12/ 15-6-2010/ Encumbrance Certificate / Original
Ex.A13/ 7-7-2010 / Encumbrance Certificate / Original
Ex.A14/ 17-5-2010/ Patta in favour of Katheriyan (2 Nos) / Original
Ex.A15/ 18-5-2010/ Patta in favour of Periyannan / Original

Defendants Witness and Exhibits: -Nil-

Sd/-E. Rajendra kannan,
Subordinate Judge,
Sankari.