

In the Court of the II Additional District Judge, Thoothukudi.

Present: Tmt. M.Breetha, M.L.,

II Additional District Judge, Thoothukudi.

Tuesday, the 04th day of August 2026

O.S. No. 135/2023

CNR No. TNTT01 – 006370 – 2023

- 1) Thirumani
- 2) Petchimuthu
- 3) Subbammal
- 4) Selvamani
- 5) Periya Piratti
- 6) Hari Hrishnan
- 7) Muniyasamy (Died)
- 8) Velthangam
- 9) Pavithra
- 10) Ramakrishnan
- 11) Sathish
- 12) Muniyammal
- *13) Alagukani
- 14) Amuthakannan
- 15) Anusiya
- 16) Iswarya

..Plaintiffs

(*13 to 16 Plaintiffs were impleaded and amended as per order in I.A. No.6/2024 dated 28.07.2025)

...Vs...

- 1) Ganesan
- 2) Mayakrishnan

..Defendants

This suit came before this court for final hearing on 27.07.2026 in the presence of Thiru.P.Pillai Vinayagam, Advocate for the plaintiff and Selvi.B.Muthu Esakki Advocate for the 1 & 2 defendants and after hearing both side arguments and having stood over for consideration till this date, this court delivered the following...

JUDGMENT

This Suit has been filed seeking for the relief of partition of plaintiffs 72/96 shares over the plaint scheduled properties and for the costs of the suit.

2) Brief averments of the plaint:

(i) The plaintiffs have averred that the plaint scheduled property originally belonged to Andichi Ammal wife of Vairamuthu by virtue of a Sale Deed dated 16.11.1955 and she was in possession over the same and the entries in the revenue records stood in her name and that the said Vairamuthu died issueless. Andichi Ammal then married Ananthappan for the second time and Aathimuthu was their only son. Andichiammal died intestate on 02.07.1961 and Ananthappan died intestate on 03.06.1963. The above said Aathimuthu was first married to one Karamel and one Thirumani was born for them. Karamel died on 1954 and thereafter, Aathimuthu married one Thangammal and Mariammal, Periya Muniyasamy, Muniyasamy, Ganesan, Muniyammal, Periyasamy and Mayakrishnan are their children. Aathimuthu died intestate on 26.02.2015 and his 2nd wife Thangammal died intestate on 27.08.2016 and the plaint scheduled properties devolved upon their legal heirs and they was in joint possession over the same.

(ii) The plaintiffs have further averred that one of the sons of Aathimuthu, Periyasamy died on 31.05.2017 having behind the plaintiffs 8 to 11 as his legal heirs. Aathimuthu's daughter Mariammal died during the year 1997 having behind the plaintiffs 2 & 3 as his legal heirs. The other son of Aathimuthu, Periya Muniyasamy died on 25.06.2018 having behind the plaintiffs 4 to 6 as legal heirs and that the plaint scheduled property is in the joint possession and enjoyment of the plaintiffs and defendants and that the plaintiffs demanded the defendants to partition their respective shares on 15.02.2023 and the same was evaded by the defendants under the pretence of rectifying the revenue records and that there is no feasibility for joint

possession and hence constrained to file this suit seeking for the relief of partition of plaintiffs 72/96 shares over the plaint scheduled properties and for the costs of the suit and prays to decree the suit.

3) **Brief contentions of written statement filed by the 1st defendant and adopted by 2nd defendant :**

The defendants have contended that they are entitled to 2/7 shares and that when the plaintiffs demanded for partition, as the revenue records were not rectified, partition couldn't be effected and that the defendants do not have any objection to allot 5/7 shares to plaintiffs and 2/7 shares to defendants and prays for dismissal of the suit with costs.

4) **Based on the above referred pleadings, the following issues were framed :-**

- (1) Whether the plaintiffs are entitled to the relief of partition as prayed for?
- (2) To what other reliefs, the plaintiffs are entitled to?

5) On the side of the plaintiffs, 14th plaintiff was examined as P.W.1 and Ex.A1 to A11 documents were marked. On the side of the defendants, no witness examined and no document was marked.

Issue No.1:

Whether the plaintiffs are entitled to the relief of partition as prayed for?

5) The plaint scheduled property has been described as a land with an extent of 4 acres 94 cents situated in the southern side of the total extent of 24 acres 70 cents comprised in Re. survey no. 239 co-related to Keezha Arasadi Village survey No.239/5A and 239/5B.

6) The plaintiffs have averred that the plaint scheduled property originally

belonged to Andichi Ammal wife of Vairamuthu by virtue of a Sale Deed dated 16.11.1955 and she was in possession over the same and the entries in the revenue records stood in her name. The plaintiffs have produced Ex.A1 and A11 documents to prove the title of Andichi Ammal in respect of the plaint scheduled property.

7) Ex.A1 is the copy of extract of Settlement Adangal. From the above said document, it could be seen that the property comprised in Re.Survey no.239 stood in the name of Andichi w/o, Vairamuthu. Ex.A11 is the copy of 10(1) Patta bearing Nos.878 and 879 issued in respect of the properties comprised in survey nos.239/5A and 239/5B in the names of Andichi w/o, Vairamuthu and 2 others. The 14th plaintiff has been examined as P.W.1.

8) The oral evidence of PW1 and Ex.A1 and A2 documents regarding the title of Andichi Ammal in respect of the plaint scheduled property have not been either denied or disputed on the side of the defendants. Moreover, there is no dispute with regard to the title of Andichi Ammal over the plaint scheduled property. Therefore, on conjoint consideration of the pleadings of both the plaintiffs and defendants, oral evidence of PW1 and Ex.A1 and A11 documents, this court is of the view that the plaint scheduled property belonged to Andichi Ammal.

9) It is the case of the plaintiffs that the plaint scheduled property originally belonged to Andichi Ammal wife of Vairamuthu and the plaint scheduled property plaintiffs and defendants as the legal heirs of Andichi Ammal.

10) Ex.A2 is the death certificate of Andichi Ammal. Ex.A3 is the death certificate of Ananthappan, the second husband of Andichi Ammal. Ex.A4 is the legal heir certificate of Andichi Ammal and Ananthappan. Ex.A5 is the death certificate of Aathimuthu, the only son of Andichi Ammal and Ananthappan. Ex.A7 is

the legal heir certificate of Aathimuthu and Thangammal. Ex.A6 is the death certificate of Thangammal, one of the daughters of Aathimuthu. Ex.A8 is the death certificate of Periyasamy, one of the sons of Aathimuthu. Ex.A9 is the death certificate of Muniyasamy, one of the sons of Aathimuthu.

11) In the paragraph stated supra, it has been found that the plaint scheduled property originally belonged to Andichi Ammal. From the oral evidence of PW1 and Ex.A3 to A9 documents, it could be seen that Andichi Ammal was first married to one Vairamuthu and he died issueless. Andichi Ammal then married Ananthappan for the second time and Aathimuthu was their only son. Andichiammal died intestate on 02.07.1961 and Ananthappan died intestate on 03.06.1963. The above said Aathimuthu was first married to one Karamel and one Thirumani was born for them. Karamel died on 1954 and thereafter, Aathimuthu married one Thangammal and Mariammal, Periya Muniyasamy, Muniyasamy, Ganesan, Muniyammal, Periyasamy and Mayakrishnan are their children. Aathimuthu died intestate on 26.02.2015 and his 2nd wife Thangammal died intestate on 27.08.2016. One of the sons of Aathimuthu, Periyasamy died on 31.05.2017 having behind the plaintiffs 8 to 11 as his legal heirs. Aathimuthu's daughter Mariammal died during the year 1997 having behind the plaintiffs 2 & 3 as his legal heirs. The other son of Aathimuthu, Periya Muniyasamy died on 25.06.2018 having behind the plaintiffs 4 to 6 as legal heirs. During the pendency of the suit, the 7th plaintiff died leaving behind the defendants 13 to 16 as his legal heirs.

12) The 1st plaintiff Thirumani, Mariammal, Periya Muniyasamy, 7th plaintiff Muniyasamy, 1st defendant Ganesan, 12th plaintiff Muniyammal, Periyasamy and 2nd defendant Mayakrishnan are entitled to 1/8 shares each as the legal heirs of Aathimuthu. The 1/8 share of Mariammal devolved jointly upon the 2nd and 3rd plaintiffs and each are entitled to 1/16 share. The 1/8 share of periya muniyasamy

devolved jointly upon the plaintiffs 4 to 6 and each are entitled to 1/24 share. The 1/8 share of 7th plaintiff devolved jointly upon the plaintiffs 13 to 16 and each are entitled to 1/32 share. The 1/8 share of Periyasamy devolved jointly upon the plaintiffs 8 to 11 and each are entitled to 1/32 share. The 1/8 share of Mariammal devolved jointly upon the 2nd and 3rd plaintiffs and each are entitled to 1/16 share. The defendants 1 and 2 are entitled to 1/8 share each.

13) Taking 96 as common denominator, this court is of the view that the 1st plaintiff and 12th plaintiff Muniyammal are entitled to 12/96 shares each; the plaintiffs 2 and 3 are entitled to 6/96 shares each; the plaintiffs 4 to 6 are entitled to 4/96 shares each; the plaintiffs 8 to 11 are entitled to 3/96 shares each; 13 to 16 are entitled to 3/96 shares each and; defendants 1 and 2 are entitled to 12/96 shares each over the plaint scheduled property. In cumulative, the plaintiffs are entitled to 72/96 shares over the plaint scheduled property by way of inheritance.

14) In the light of the above findings, this court is of the view that the plaintiffs are entitled to preliminary decree for partition in respect of 72/96 shares over the plaint scheduled property.

Issue No.1 is thus answered accordingly.

Issue No.2:

To what other relief?

15) Considering the nature of the suit and in view of the findings above, this court is of the view that the parties are not entitled any other reliefs and the parties shall bear their respective costs.

Issue No.2 is thus answered accordingly.

In the result, the suit is decreed as follows:

- (i) The plaintiffs are entitled to preliminary decree for partition in respect of 72/96 shares in respect of the plaint scheduled property by metes and bounds.**
- (ii) The parties shall bear their respective costs.**

This Judgment was dictated by me to the Steno-Typist, transcribed and printed out by her, then corrected and pronounced by me in open court, this the 04th day of August 2026.

**II Additional District Judge,
Thoothukudi.**

Witness examined on the side of the plaintiffs:

P.W.1	Tr. Amuthakannan (14 th Plaintiff)
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Documents marked on the side of the plaintiffs:

Ex.A1	11.10.2018	Settlement Adangal infavour of Andichi inrespect of plaint scheduled properties
Ex.A2	02.07.1961	Death Certificate for Andichi
Ex.A3	03.06.1963	Death Certificate for Anandappan
Ex.A4	20.08.2025	Legal Heir Certificate for Andichi – Anandappan
Ex.A5	26.02.2015	Death Certificate for Aathimuthu
Ex.A6	27.08.2016	Death Certificate for Thangammal
Ex.A7	11.05.2018	Legal Heir Certificate for Aathimuthu - Thangammal
Ex.A8	31.05.2017	Death Certificate for Periyasamy
Ex.A9	25.06.2018	Death Certificate for Muniyasamy
Ex.A10	01.01.1940 to 22.02.2021	Online copy of Encumbrance Certificate inrespect of plaint scheduled Properties dated 26.07.2021, 06.10.2018, 08.10.2018, 23.02.2021(5 Nos.)
Ex.A11	22.08.2017	Online copy of Patta Nos. 878, 879 inrespect of Andichi

Witness marked on the side of the defendants: NIL

Documents marked on the side of the defendants: NIL

**II Additional District Judge,
Thoothukudi.**

**II Additional District Court,
Thoothukudi
Draft/Fair Judgment
O.S. No. 135/2023
Date : 04.08.2026**