

In the Court of the Principal District and Sessions Court,
Virudhunagar District at Srivilliputtur
Present: Thiru. K.Jeyakumar, B.L., L.L.M.,
Principal District and Sessions Judge

Tuesday, this the 24th day of March 2026

O.S.No.145/2019
CNR.No. TNVR01001380-2019

....

Tmt.Muthulakshmi

.... Plaintiff

/vs/

1.Sundaramoorthy

2.Tmt.Kanagalakshmi

3.Selvanayagi

*4.Tmt.Muthammal

5.Tmt.Muthulakshmi

**6.Kalirajan

7.MuthuKarpagaselvi

8.Annamalai

....Defendants

(*Defendants 4 to 8 were impleaded as per order in I.A. No.3 of 2023, dated 04.07.2023, and the plaint was subsequently amended as per order in I.A. No.5 of 2024, dated 04.04.2024.)

(**Amended as Per Order in Memo dated 17.11.2025)

This suit coming before me on 16.03.2026 for final hearing in the presence of
Tr.M.Michael Bharathi, Advocate for the plaintiff, Tr.P.Ravindran, Advocate for the

1st, 6th and 8th defendants, Defendants No. 2 to 5 and 7 were set exparte, upon hearing arguments on both side and perusing the case records and having stood over for consideration till this date, this court delivered the following,

JUDGMENT

Suit for Preliminary decree for partition seeking division of the suit schedule properties and allotment of 1/4th share to the plaintiff together with costs

2) Gist of the plaint:

(i) This is a suit for partition and separate possession of the suit properties filed by the plaintiff, who is one of the co-owners, against the 1st to 3rd defendants, who are the other co-owners. The 1st and 3rd schedules of the suit properties are situated at Vadapatti Village, and the 2nd schedule of the suit properties is situated at Nedungulam Village in Sivakasi Taluk in Virudhunagar District.

(ii) The plaintiff and the 1st to 3rd defendants are siblings, and the plaintiff is the eldest in the order of birth. There were a total of four daughters and one son born to their parents. The younger sister of the plaintiff, who was 2nd in the order of birth, namely Karpagavalli, committed suicide without marriage and, as such, left no legal heirs. The 1st defendant is 4th in the order of birth, the 2nd defendant is 3rd in the order of birth, and the 3rd defendant is 5th in the order of birth. The father of the plaintiff and the 1st to 3rd defendants, namely Chakkarai Thevar, died intestate about 15 years ago. The exact date of death could not be ascertained by the plaintiff. The mother of the plaintiff and the 1st to 3rd defendants, namely Ganapathiammal, predeceased her husband Chakkarai Thevar by about two months. Thus, the father of

the plaintiff and the 1st to 3rd defendants left the plaintiff and the 1st to 3rd defendants herein as his legal heirs. The 4th to 8th Defendants have been added as directed by this court as necessary parties to this suit.

(iii) The suit properties described in the schedule hereunder originally belonged to the father of the plaintiff and the 1st to 3rd defendants. Some of the properties are ancestral, and some are self-acquired. The plaintiff was born on 25.11.1977, and her marriage was solemnized on 12.03.1995. Therefore, she is entitled to all the properties, including coparcenary and joint family properties, by virtue of the Hindu Succession (Tamil Nadu Amendment) Act, 1989, which came into force with effect from 25.03.1989. The said Tamil Nadu Amendment Act is applicable to female heirs subject to two conditions: (1) the daughters shall not be married on the date the Act came into force, and (2) the properties sought for partition shall not have already been partitioned. In this case, the plaintiff was unmarried and the suit properties were not partitioned as on 25.03.1989, when the said Act came into force. As such, the plaintiff and defendants 2 and 3, being daughters, became entitled to all the properties of their deceased father, whether held as coparcenary, joint family, or self-acquired properties, from the date on which the said Amendment Act came into force, i.e., 25.03.1989. Therefore, with respect to the suit properties, the plaintiff and the 1st to 3rd defendants are each entitled to an equal share of 1/4, irrespective of whether the properties are ancestral, joint family, or self-acquired properties of their deceased father.

(iv) After her marriage, the plaintiff settled with her husband at O.Mettupatti Village in Sattur Taluk, which is her husband's native place. Ever since the death of the plaintiff's father, all the suit properties have been in the joint possession and enjoyment of the plaintiff and the 1st to 3rd defendants, and the 1st defendant has been managing the same. The plaintiff, in good faith, allowed the 1st defendant to manage the suit properties. It has now been learnt by the plaintiff that the 1st defendant has stealthily mutated revenue records in his favour with regard to some of the suit properties. The plaintiff had been under the bona fide belief that the 1st defendant would allot due shares to all the co-sharers. However, since the acts and conduct of the 1st defendant became indifferent, the plaintiff orally demanded partition of the suit properties in the first week of April 2019. The 1st defendant openly refused to allot any share to the plaintiff and defendants 2 and 3, stating that daughters cannot claim any share in the suit properties.

(v) The plaintiff approached the Legal Services Committee, Sattur, and lodged a petition dated 26.06.2019 seeking redressal of her grievance regarding partition. The 1st defendant was summoned, and during the enquiry, he refused to give any share to the female heirs. Hence, this suit is filed for partition and separate possession of a 1/4th share in the suit properties. All the family properties of the father of the plaintiff have been included in the suit properties, and if any properties are shown to have been omitted by the defendants, the plaintiff is ready and willing to include such properties also in the suit. Therefore, it is prayed that this Court may be pleased to

pass a preliminary decree and judgment in favour of the plaintiff and against the defendants, to divide the suit properties by metes and bounds and allot separate possession of a 1/4th share to the plaintiff, with costs.

3) Brief facts of the Written statement filed by the 1st Defendant is as follows:-

(I) The suit filed by the plaintiff is not maintainable either in law or on facts. Except those averments specifically admitted herein, all other allegations made by the plaintiff are false and are hereby denied. The burden of proof lies entirely upon the plaintiff. It is admitted that the plaintiff and the 1st to 3rd defendants are siblings, that the plaintiff is the eldest among them, that their parents had four daughters and one son as legal heirs, and that the second sister died unmarried. However, the allegation that the plaintiff is a co-owner of the suit schedule properties is specifically denied. It is admitted that the father of the plaintiff and 1st to 3rd defendants died about 15 years ago without executing any Will in respect of the suit properties, and that their mother predeceased him by about two months.

(ii) The allegation that the suit schedule properties are ancestral and self-acquired properties of the father is false and is denied. The plaintiff is put to strict proof of the same. On the contrary, the properties described in Item Nos. 4 to 10 of the 1st Schedule originally belonged to the grandfather, Marimuthu Thevar. Upon his demise intestate, his legal heirs, namely, Chakkarai Thevar (father of the parties), Ganesan, Annamalai, and Subbulakshmi, inherited the properties and jointly enjoyed the same. The revenue records (patta) still stand in the name of the said Marimuthu

Thevar. Hence, the other legal heirs, namely Ganesan, Annamalai, and Subbulakshmi, are necessary and proper parties to the suit. For non-joinder of such necessary parties, the suit is liable to be dismissed.

(iii) The plaintiff is put to strict proof of her date of birth (25.11.1977) and date of marriage (12.03.1995). At the time of the marriage of the plaintiff and the second defendant, their father provided each of them with 10 sovereigns of gold jewels and household articles in lieu of their share in the family properties. Further, at the time of the marriage of the third defendant, the first defendant provided jewels and household articles as seen. Thus, the plaintiff and defendants 2 and 3, having received their respective shares at the time of marriage, have relinquished their rights in the suit properties orally. The allegation that the plaintiff and defendants were in joint possession and enjoyment of the suit properties after the death of their father is false and denied. After their marriages, the plaintiff and defendants 2 and 3 have been residing in their respective matrimonial homes and have never jointly enjoyed the suit properties with this defendant. The allegation that the plaintiff demanded partition on 01.04.2019 and that the same was refused is also false. After the death of the father, this defendant has been in exclusive possession and enjoyment of the properties. Neither the plaintiff nor the other defendants have any right, title, or interest in the suit properties. The plaintiff has undervalued the suit properties and paid insufficient court fee. The relief sought is not maintainable. Therefore, it is prayed that this Court may be pleased to dismiss the suit with costs.

4) Brief facts of the Additional Written statement filed by the 1st

Defendant is as follows:-

The suit filed by the plaintiff is not maintainable either in law or on facts. The plaintiff has deliberately omitted several properties from the plaint schedule. The ancestral properties belonging to the father of this 1st Defendant, namely Chakkarai Thevar, situated in Sivakasi Taluk, comprised in Survey No.254/1B (Patta No.1608), including the land and the well covered under the said patta, have not been included in the suit. The plaintiff has filed the present suit suppressing the said properties. Further, the father of this 1st Defendant, Chakkarai Thevar, was also possessed of self-acquired property situated at Nedungulam Village, Sivakasi Taluk, comprised in Survey No. 484/4 (Patta No.727). The plaintiff has failed to include the said property also in the plaint schedule. Hence, the suit is bad for partial partition, and therefore liable to be dismissed on this ground alone. The plaintiff has also wrongly calculated the share and sought partition on an erroneous basis. The properties described under Item Nos. 4 to 10 in the 1st Schedule are being jointly enjoyed by Defendants 4 to 8 along with this 1st Defendant as co-heirs. Without taking into account the lawful shares of Defendants 4 to 8, the plaintiff has included their shares and claimed an excessive share for herself. Such a claim is not sustainable in law. Therefore, it is prayed that this Court may be pleased to dismiss the suit filed by the plaintiff with costs payable to this 1st Defendant.

5) The defendants 6 and 8 hereby adopt the Written Statement and Additional

Written Statement filed by the 1st defendant. A memo was filed by defendants 6 and 8 on 19.11.2024 to record the same before this Court.

6) In the light of the above pleadings, the following issues were framed:

1) தபசில் சொத்துக்களை பொறுத்து வாதி கோரியபடி பாகத்திற்கான முதல்நிலை தீர்ப்பாணை வாதிக்கு கிடைக்கத்தக்கதா?

2) தாவா வழக்கானது அவசியமான தரப்பினர்களை சேர்க்காத தோஷத்தால் பாதிக்கப்பட்டுள்ளதா?

3) வாதிக்கு கிடைக்கக்கூடிய இதர பரிகாரம் மற்றும் செலவுதொகை குறித்த உத்தரவு என்ன?

7)Witness and Exhibits:-

On the side of the Plaintiff, Plaintiff was examined as PW-1, and Exhibits A-1 to A-9 were marked and 1st Defendant was examined as DW-1 and 8th Defendant was examined as DW-2 and 6th Defendant was examined as DW-3 and Ex.B-1 to Ex.B-6 were marked on the side of the Defendant's side.

8) Both side Arguments heard. Documents were perused.

Answer to Issues No-1 and 2

9) The suit has been filed by the plaintiff for partition and allotment of a 1/4th share in the plaint schedule properties with costs.

10) The learned counsel for the plaintiff would submit that the present suit has been filed seeking partition and separate possession of the plaintiff's rightful share in the suit properties. The plaintiff and defendants 1 to 3 are the legal heirs of the deceased Chakkarai Thevar, and the plaintiff's mother is no more. According to the plaintiff, the suit properties are the self-acquired as well as ancestral properties of the

said Chakkarai Thevar and further would contend that the plaintiff's marriage was solemnized in the year 1995, and she is a daughter of the deceased Chakkarai Thevar, therefore, by virtue of the provisions of the Hindu Succession Act, as amended, she is entitled to claim a share in the suit properties as a coparcener. Despite repeated demands made by the plaintiff, the 1st defendant has deliberately failed and refused to effect partition and allot the plaintiff's legitimate share. The suit properties have been in joint possession and enjoyment of all the parties, and no partition has been effected till date. Hence, the plaintiff is entitled to 1/4th share in the suit properties, and the suit deserves to be decreed as prayed for.

11) The learned counsel for the 1st, 6th and 8th defendants would contend that the plaintiff is not entitled to any share in the suit properties as claimed in the plaint. The Item Nos. 4 to 10 of the suit schedule properties are not the exclusive properties of the defendants' father, but are joint family properties belonging to him and his brothers. Therefore, the brothers of the defendants' father also have a share in the said properties. In such circumstances, since the necessary parties have not been impleaded in the present suit, the suit is liable to be dismissed for non-joinder of necessary parties. It is also contended that certain other joint family properties have not been included in the suit schedule, and therefore, the suit is bad for partial partition. On this ground also, the suit is liable to be dismissed. At the time of the plaintiff's marriage, she was provided with adequate seer and other customary presentations, and that she had orally relinquished her share in the family properties. Hence, the plaintiff is not entitled to claim any share at this stage, and such claim is

not legally sustainable. Therefore, the plaintiff is not entitled to any relief as prayed for, and the suit is liable to be dismissed in entirety.

12) The present suit has been filed seeking partition in respect of the suit properties described under three schedules. In the 1st schedule of properties, there are totally 11 items of properties. In the 2nd schedule, there are 2 items of properties. In the 3rd schedule, the properties include a residential house.

13) The plaintiff has stated that all the suit properties originally belonged to her father. In order to substantiate her claim, the plaintiff has produced certain documents. In respect of Item Nos. 1 and 2 of the 1st schedule properties, the computer patta standing in the name of the plaintiff's father has been marked as Ex.A1. Similarly, in respect of Item No. 3 of the 1st schedule property, the computer patta standing in the name of the plaintiff's father has been marked as Ex.A2. Further, with regard to Item Nos. 4 to 10 of the 1st schedule properties, the computerised patta standing in the joint names of Chakkarai, Ganesan and Annamalai has been marked as Ex.A3. In respect of Item No. 11 of the 1st schedule property, the patta standing in the name of one Ganesa Thevar, son of Subbaiya Thevar, has been marked as Ex.A4. In so far as the 2nd schedule properties are concerned, the Computerized Pattas standing in the name of the plaintiff's father have been marked as Exs.A5 and A6. Likewise, in respect of the 3rd schedule properties, the Computerized Patta standing in the name of the plaintiff's father has been marked as Ex.A7. The marriage invitation of the plaintiff has been marked as Ex.A8 which shows that the marriage was solemnized on 12.03.1995. Thereafter, a petition said to

have been given by the plaintiff before the Legal Services Authority at Sattur Court Complex seeking partition has been marked as Ex.A9.

14) On the side of the defendants, it is stated that certain additional properties, alleged to be standing in the name of the plaintiff's father, have been disclosed through the defendants' documentary evidence (Exs.B1 to B6). However, those properties have not been included in the plaint filed by the plaintiff. In this regard, the defendants rely upon the following documents is Ex.B1 Patta relating to S.No.254/1B standing in the names of Chakkarai Devar, Ganesan, Annamalai, Ramasamy, Kalimuthu and Ganapathy Devar. Ex.B2 Patta relating to S.No.484/4 standing in the names of Krishnasamy Devar, Karuppaiya Devar and Chakkarai Devar. Ex.B3 Patta relating to S.Nos.254/1D, 254/2B, 63/1C and 84/2 standing in the names of Chakkarai, Annamalai and Kalirajan. Ex.B4 Patta relating to S.Nos.225/1E, 255/2 and 255/3 standing in the names of Chakkarai, Ganesan and Annamalai. Ex.B5 Adangal relating to S.Nos.254/1D and 254/2B standing in the name of Kalirajan vagaiyara and Ex.B6 name transfer order of Patta Nos.812 and 1608. Based on these documents, the defendants contend that additional properties belonging to the plaintiff's father have been omitted from the plaint schedule. Therefore, it is argued that the suit, being one for partial partition, is not maintainable and is liable to be dismissed.

15) On perusal of the records, it is seen that certain properties are shown in the defendants' documents as standing in the name of the plaintiff's father under joint

patta. Specifically, in the additional written statement, the 1st defendant has contended that the ancestral property in S.No.254/1B (Patta No.1608) at Sivakasi Taluk and the self-acquired property in S.No.484/4 (Patta No.727) at Nedungulam Village have been suppressed by the plaintiff, and in support thereof, Exs.B1, B2, B5 and B6 have been marked. A perusal of Ex.B1 and Ex.B2 pattas reveals that the properties stand in the names of several persons, including Chakkarai Thevar. Likewise, Ex.B5 Adangal and Ex.B6 patta transfer order do not establish exclusive ownership of the said properties in favour of the plaintiff's father. In the absence of clear and cogent evidence to show that the said properties exclusively belonged to the plaintiff's father, this Court is unable to accept the contention of the defendants. Moreover, the said properties have not been included in the plaint schedule, no share has been claimed therein, and no steps have been taken to amend the plaint. In such circumstances, detailed examination of those properties is not warranted at this stage. Accordingly, this Court holds that no further consideration is required in respect of the said properties, and the contention of the defendants that the suit is bad for partial partition cannot be accepted.

16) The relationship between the plaintiff and defendants 1 to 3 is admitted and there is no dispute in that regard. It is also admitted that the plaintiff was married in the year 1995. It is not denied that no share was allotted to the plaintiff in the suit properties. In this regard she has deposed in her proof affidavit, all the suit schedule properties belong to her father, Chakkarai Thevar, and that out of the said properties,

some are ancestral (hereditary) properties while others are self-acquired properties of her father. She has further stated that her father passed away about 17 years ago without executing any Will, and that her mother, Ganapathi Ammal, predeceased him by about two months. Her marriage was solemnized on 12.03.1995 and that, subsequent to her marriage, she has been residing with her husband at Mettupatti Village, Sattur Taluk, along with her family. From the date of the death of her father till date, the suit schedule properties have not been partitioned and have been in the joint possession and enjoyment of herself and Defendants 1 to 3. On the said basis, she has filed the present suit seeking partition and separate possession of her alleged lawful share in the suit properties. She has been cross-examined. During her cross examination she has deposed that "தாவா சொத்துக்களில் 1வது தபசில் 4 முதல் 10 அபிட்ட சொத்துக்கள் என் தாத்தா வழி பூர்விக சொத்து என்றால் சரிதான். வா.சா.ஆ.3 பட்டாவில் என் தகப்பனார் சர்க்கரை, கணேசன், அண்ணாமலை ஆகியோர் பெயரில் கூட்டாக உள்ளது என்றால் சரிதான். ஆனால் சொத்தை பிரித்து கொண்டார்கள். எப்போது பாகம் பிரித்து கொண்டார்கள் என்றும், என் சித்தப்பாக்களுக்கு எந்த சொத்துக்கள் பிரித்து கொடுக்கப்பட்டது என்று என்னுடைய வழக்கிலும் என்னுடைய பிரமாண வாக்குமூலத்திலும் சொல்லவில்லை என்றால் சரிதான். என் தகப்பனார் உயிரோடு இருக்கும்போது பிரித்துகொண்டார்கள். வடபட்டி கிராமத்தில் சர்வே எண்.254/1D மற்றும் 254/2 B ஆகிய சொத்துக்களை விவசாயம் செய்து வருகிறார்கள் என்றால் அது பற்றி எனக்கு தெரியாது. மேற்சொன்ன இரண்டு சர்வே எண்ணில் உள்ள நிலங்களை என் சித்தப்பா கணேசன் தான் விவசாயம் செய்து வருகிறார் என்றாலும்

அது எனக்கு தெரியும் என்றாலும் சரியல்ல. நான் திருமணத்திற்கு பிறகு சாத்தூர் தாலுகா ஓ. மேட்டுபட்டி கிராமத்தில் வசித்து வருகிறேன் என்றால் சரிதான். நான் திருமணத்திற்கு பிறகு ஓ. மேட்டுபட்டி கிராமத்தில் வசித்து வருவதால் நான் ஒருபோதும் 1ம் பிரதிவாதியுடன் தாவா சொத்துக்களில் கூட்டு அனுபவத்தில் இருந்ததில்லை என்றால் சரியல்ல. என் திருமணத்தின்போது என் தகப்பனார் உரிய சீர்வரிசை செய்துதான் திருமணத்தை நடத்தி வைத்தார் என்றால் சரியல்ல."

17) At the outset, the 1st Defendant was examined as DW1 who has been contesting and conducting the case has clearly deposed in his chief examination that the suit schedule properties are not the exclusive or self-acquired properties of his father, and that his paternal uncles (chithappas) also have subsisting rights therein. He has further stated that, in such circumstances, the plaintiff is not entitled to claim any share in the suit without impleading them as necessary parties. DW1 has been duly cross-examined. In his cross examination he has deposed that "வாதிக்கு வழக்கிடை சொத்துக்களில் பங்கு உள்ளது. ஆனால் பங்கு விகிதாச்சாரம் தவறாகும். வாதிக்கு எவ்வளவு விகிதச்சார பங்கு உண்டு என்பதை குறிப்பிட்டு பிரமாண வாக்குமூலத்தில் சொல்லவில்லை என்றால் சரிதான்." Subsequently, the 8th Defendant, who is the son of Marimuthu Thevar, was examined as D.W.2. In his evidence, he has categorically stated that his father has a rightful share in the suit schedule properties and that the plaintiff has denied and suppressed the same in the plaint. He has also been duly cross-examined. In his cross examination he has deposed that "எனது முதல் விசாரணை நிரூபண வாக்குமூலத்தில் 1வது அட்டவணை சொத்தில் 4 முதல் 10

அயிட்ட சொத்துக்கள் மட்டுமே எனக்கு நாளில் ஒரு பங்கு உரிமை உள்ளது என்று கூறியுள்ளேன் என்றால் சரியல்ல. எனக்கு மூன்றில் ஒரு பங்கு உள்ளது. 2 வது மற்றும் 3 வது அட்டவணை சொத்துக்களில் எனக்கு எவ்வித பாக்கியமும் கிடையாது நான் எவ்வித பங்கும் கோரவில்லை." Further, Ganesan Thevar who is arrayed as the 6th Defendant, was examined as D.W.3. In his chief examination, he has clearly deposed that he is also entitled to a share in Item Nos. 4 to 10 of the suit schedule properties. He too has been subjected to cross-examination.

18) In the present case, it is seen that the suit properties described in Item Nos.1, 2 and 3 of the 1st schedule properties belonging to the plaintiff's father, Chakkarai Thevar, and that the said properties have not been partitioned so far. It is further evident from Exs.A1, A2 that the patta stands in the name of Chakkarai Thevar. Likewise, in respect of the 2nd schedule properties, it is seen from Exs.A5 and A6 that the said properties also belong to Chakkarai Thevar. As regards the 3rd schedule property, it is a house property and it is stated that the 1st defendant is residing therein. Thus, it is clear that the Item Nos.1, 2 and 3 of the 1st schedule properties and 2nd and 3rd schedule properties originally belonged to Chakkarai Thevar, and since he died without executing any Will or document, the said properties have not been partitioned till date. This facts is also admitted by both sides. Further, it is seen that the plaintiff was married in the year 1995. Therefore, under the applicable law of succession, the plaintiff is entitled to a share in the suit properties. Accordingly, this Court finds that the plaintiff is entitled to a share in Item Nos.1 to 3

of the 1st schedule properties, the 2nd schedule properties, and the 3rd schedule house property, and that her share is liable to be divided and allotted.

19) In respect of Item Nos.4 to 10 of the 1st schedule properties, Ex.A3 joint patta stands in the names of Chakkarai Thevar, Ganesan Thevar and Annamalai Thevar, who are the sons of Marimuthu Thevar. This clearly indicates that they had joint rights in the said properties. Accordingly, the plaintiff has taken steps to implead them as parties and has amended the plaint. However, no clear particulars have been furnished regarding the exact extent of share to which those parties are entitled. Though the defendants have also referred to this aspect, there is no specific clarification in that regard. Nevertheless, since Ex.A3 reflects a joint patta and shows that the properties stood in the name of Chakkarai Thevar and others, it is to be inferred that the said properties are jointly held. In such circumstances, this Court holds that defendants 4 to 8 have a right in Item Nos.4 to 10 of the 1st schedule properties. The said right has not been denied by the plaintiff or by defendants 1 to 3. Further, defendants 6 to 8 have been examined as witnesses, and they have also deposed that their predecessors had rights in the said properties. Therefore, considering that the legal heirs of Ganesan Thevar and Annamalai Thevar are entitled to a share in Item Nos.4 to 10, and taking into account the number of sharers, this Court finds that the plaintiff is entitled only to a 1/12th share in the said properties.

20) On perusal of Item No.11 of the 1st schedule properties, it is seen that Ex.A4 Patta stands in the name of Ganesan Thevar and not in the name of Chakkarai

Thevar. Therefore, it is held that the plaintiff, who claims through Chakkarai Thevar, cannot seek any share in the Item No.11 of the 1st schedule property.

21) The oral evidence on record indicates that the paternal uncles and their family members have subsisting rights in the suit schedule properties. Initially, it was contended that, in the absence of proper adjudication of their shares, the suit is liable to be dismissed for non-joinder of necessary parties. However, it is seen that the said paternal uncles and their legal heirs have subsequently been impleaded as defendants 4 to 8 in the present suit. Further, defendants 6 and 8 have adopted the additional written statement filed by the 1st defendant, thereby affirming the defence taken by him. In view of the above, this Court holds that the defect of non-joinder, if any, has been duly cured and, therefore, the suit is not liable to be dismissed on that ground. Accordingly, Issue No.2 is answered in favour of the plaintiff.

22) It is admitted that the plaintiff and Defendants 1 to 3 are the legal heirs of Chakkarai Thevar and that he died intestate. From Exs.A1 and A2, it is clear that Item Nos.1 to 3 of the 1st schedule properties stand in the name of Chakkarai Thevar. Similarly, 2nd schedule properties (Exs.A5 & A6) and 3rd schedule property (Ex.A7) also belong to him. Hence, the plaintiff is entitled to a 1/4th share in Item Nos.1 to 3 of the 1st schedule Properties and 2nd and 3rd schedule properties. With regard to Item Nos.4 to 10 of the 1st schedule, Ex.A3 shows that the patta stands jointly in the names of Chakkarai Thevar, Ganesan and Annamalai. The oral evidence of D.Ws.2 and 3 also establishes that the said properties are joint family properties. Therefore,

considering the number of sharers, the plaintiff is entitled only to a 1/12th share in Item Nos.4 to 10. In respect of Item No.11, the patta stands in the name of Ganesa Thevar and not in the name of Chakkarai Thevar. Hence, the plaintiff is not entitled to any share in Item No.11. In view of the above discussion, Issues Nos.1 and 2 are jointly answered accordingly.

Answer to the Issue No.3

23) In light of the findings on Issues Nos.1 and 2, it is held that the plaintiff is not entitled to any other relief, nor is she entitled to costs from the defendants. Accordingly, Issue No.3 is answered.

24) In the result,

(i) The suit is partly decreed. A Preliminary Decree is passed declaring that the plaintiff is entitled to a 1/4th share in Item Nos.1 to 3 of the 1st schedule properties, as well as in the 2nd and 3rd schedule properties.

(ii) The plaintiff is further entitled to a 1/12th share in Item Nos.4 to 10 of the 1st schedule properties.

(iii) The plaintiff is not entitled to any share in Item No.11 of the 1st schedule property.

(iv) There shall be no order as to costs.

Directly dictated to the Stenographer and typed by her in Computer, then corrected and pronounced by me on 24th day of March 2026.

Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur

Plaintiff's side witnesses:-

PW1- Tmt.Muthulakshmi

Plaintiff's side documents:-

Ex.A1	16.08.2019	10(1) Account copy for Patta No. 148 of Vadapatti Village - Online copy
Ex.A2	16.08.2019	10(1) Account copy for Patta No. 1811 of Vadapatti Village - Online copy
Ex.A3	16.08.2019	10(1) Account copy for Patta No. 812 of Vadapatti Village - Online copy
Ex.A4	22.08.2019	10(1) Account copy for Patta No. 189 of Vadapatti Village - Online copy
Ex.A5	09.10.2019	10(1) Account copy for Patta No. 218 of Nedungulam Village -Online copy
Ex.A6	09.10.2019	10(1) Account copy for Patta No. 189 of Nedungulam Village - Online copy
Ex.A7	08.11.2019	10(1) Account copy for Patta No. 1811 of Vadapatti Village -Online copy
Ex.A8	-	Marriage Invitation – Original
Ex.A9	26.06.2019	Petition given by Plaintiff to Legal Service Committee, Sattur - Xerox

Defendants' side witnesses:-

DW.1 – Tr.Sundaramoorthy

DW.2 – Tr.Annamalai

DW.3 – Tr.Kalirajan

Defendants' side documents:-

Ex.B1	05.02.2025	10(1) Account copy for Patta No. 1608 of Vadapatti Village – Online copy
Ex.B2	05.02.2025	10(1) Account copy for Patta No. 727 of Nedungulam Village - Online copy
Ex.B3	13.12.2022	10(1) Account copy for Patta No. 3687 of Vadapatti Village – Online copy
Ex.B4	13.12.2022	10(1) Account copy for Patta No. 812 of Vadapatti Village – Online copy
Ex.B5	-	Adangal in respect of the Item Nos. 6 and 7 of the 1st Schedule of the suit properties -Original
Ex.B6	-	Name transfer order relating to Patta No. 812 and Patta No. 1608 - Original

Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur

Principal District and Sessions Court,
Virudhunagar District at
Srivilliputtur
O.S.No.145/2019
JUDGMENT
Date : 24.03.2026