

IN THE COURT OF THE PRL. SUBORDINATE JUDGE OF THALASSERY

Present: Smt. Veena. K.B, Prl. Subordinate Judge.

Wednesday, the 7th day of December, 2022/16th Agrahayana, 1944.

ORIGINAL SUIT. No. 101 OF 2022

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| 1. Zeenath Shaduli, W/o late Theekokkal Shaduli, |] | |
| aged 55 years, Shakkhaz, 5 th mile, Kadirur PO, |] | |
| Eruvatti, Thalassery. |] | |
| 2. Shafzir A.P, S/o late Theekokkal Shaduli, aged |] | |
| 30 years, Shakhaz, 5 th mile, Kadirur PO, |] | |
| Thalassery. |] | |
| 3. Shafzeena A.P, D/o late Shaduli, aged 33 years, |] | Plaintiffs |
| Shakkhaz, 5 th mile, Kadirur PO, Thalassery. |] | |
| 4. Shahazin A.P, S/o late Theekokkal Shaduli, aged |] | |
| 20 years, Shakkhaz, 5 th mile, Kadirur PO, |] | |
| Eruvatti, Thalassery. Mob: 9526077776. |] | |

Vs.

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|---|---|------------|
| 1. Mohamed Shaser Adathil Pulikandy, S/o late |] | |
| Theekokkal Shaduli, aged 36 years, Shakkhaz, |] | Defendants |
| 5 th mile, Kadirur PO, Thalassery. |] | |
| 2. Suhara T.K, W/o Mammootty, aged 80 years, |] | |
| Shaduli Manzil, Kadirur PO, Eruvatti, |] | |
| Thalassery. |] | |

This suit coming on this day for final hearing before me in the presence of V.K. Shyama Prasad Advocate for the Plaintiffs, of Sri. Fuad C.O.T, Advocate for Defendants ; the Court delivered the following:-

J U D G M E N T

This is a suit for partition.

2. Plaint averments in brief are as follows:- All the plaint item except item No. 4 belonged to one Theekokkal Shaduli as per different title deeds. Item No.1 in plaint 'A' schedule property originally allotted towards the share of Ayisomma and others as per Bagakara No. 1657/1947 SRO Kadirur. Later it was purchased by Theekokkal Shaduli

as per assignment deed No. 1829/1986 SRO Kadirur. After the purchase of said property, Theekokkal Shaduli became the absolute owner and in possession of the said property. It is further submitted that item No. 2 in the plaint 'A' schedule property, originally belonged to the co-ownership of Ramala and others. It was assigned to Theekokkal Shaduli as per deed No. 1865/2010 SRO Thalassery. After the purchase, Theekokkal Shaduli had constructed small building in it. He was paying land tax, building tax etc till his death.

3. Plaint item No. 3 originally belonged to Chovvakkaran Parkattu Ameer Ali as per Bagakarar No. 956/2001 SRO Thalassery. Later he assigned item No. 3 in plaint 'A' schedule property to defendant No. 1 herein as per assignment deed No. 687/2010 SRO Thalassery. While defendant No. 1 was keeping possession of it under his title, he gifted it to his father Theekokkal Shaduli as per gift deed No. 1069/2011 SRO Thalassery. Said Theekokkal Shaduli, after accepting gift deed, paid land tax, building tax etc and he has also made improvements therein spending a lot of money. As such item No. 4 in plaint 'A' schedule property, originally belonged to Ekkandi Suhara. There were two co-owners in item No. 4. Ekkandi Suhara purchased it from one of the co-owners by name Yousuf as per assignment deed No. 512/1996 SRO Kadirur and from other co-owner Jameela, as per assignment deed No. 567/1996 of SRO Kadirur. Later, Ekkandi Suhara assigned it to Theekokkal Shaduli and his wife Zeenath who is plaintiff No.1 herein as per deed No. 2246/1997 SRO Kadirur. There is house building in it.

4. The item No. 5 in plaint 'A' schedule property, originally belonged to Puthiyandi Manhi as per title deed No. 311/1968 SRO Kadachira. Later, he collected purchase certificate for the said property. After the death of Manhi his legal representatives transferred their right over plaint item No. 5 as per assignment deed No. 2756/2007 SRO Kadachira. Item No. 6 in plaint 'A' schedule property originally belonged to Thirumangalath Kungatty Madhavan which he got as per partition deed No. 1519/1949 SRO Kadachira. While keeping it under his possession and title, it was assigned to Theekokkal Shaduli as per assignment deed 2757/2007 SRO Kadachira. Item No. 7 in plaint 'A' schedule property originally belonged to Thirumangalath Puthiyandi Raveendran. He got the property as per partition deed No. 2621/1987 SRO Kadachira. Later above said Theekokkal Shaduli purchased item No. 7 as per assignment deed No. 2758/2007 SRO Kadachira from above said Raveendran. Item No. 5,6 and 7 are plain properties.

5. The item No. 8 in the plaint 'A' schedule property originally belonged to a private company by name Arcon Intlands Pvt. Ltd. Item No. 8 in the plaint 'A' schedule property, later transferred to Theekokkal Shaduli through the Managing Director of above said company as per assignment deed No. 1042/2018 SRO Vythiri, above said Theekokkal Shaduli was keeping possession of it with absolute right and title.

6. Theekokkal Shaduli died on 07.08.2022. After his death, his right over the item No. 1 to 8 in plaint 'A' schedule property was devolved on plaintiffs and defendants. Plaintiff No.1 is the wife of above

said Shaduly. Plaintiff No. 2 to 4 and defendant No. 1 are his children. Defendants No. 2 is the mother of deceased Theekokkal Shaduli. Plaintiff No. 1 is having 42/336 share over item No.1 to 3 and 5 to 8. In item No. 4, plaintiff No.1 is already having $\frac{1}{2}$ share and after the death of her husband Theekokkal Shaduli, she has got total share of 189/336 share in item No. 4. Plaintiff No. 2 to 4 are having 170/336 share over item No. 1 to 3 and 5 to 8. They are having 85/336 share in item No. 4 of plaint 'A' schedule property. Defendant No. 1 is having 68/336 share in item No. 1 to 3 and 5 to 8. He is having 34/336 share in item No. 4 of plaint 'A' schedule property. As such defendant No. 2 is having 56/336 share in item No.1 to 3 and 5 to 8. She is having 28/336 share in item No. 4 of plaint 'A' schedule property. The 'B' schedule is the genealogy of the sharers of the plaint 'A' schedule property. Defendant No. 1 is not in good terms with plaintiffs. So that plaintiffs approached defendant No.1 for the partition of plaint 'A' schedule property on 15.10.2022. But defendant No.1 was not ready to co-operate with plaintiff for the partition of plaint 'A' schedule property. Hence the suit.

7. The defendants entered appearance and both the parties filed compromise petition. This court has gone through the compromise petition. It is found to be lawful, hence recorded.

In the result, the petition is allowed and a final decree is passed in the following terms:

- 1) This final decree is passed in terms compromise petition. The compromise petition, share list shall form part of the final decree.

- 2) The parties shall produce requisite non judicial stamp paper for engrossing the final decree

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court on this the 07th day of December, 2022).

Sd/-
PRL. SUBORDINATE JUDGE.

Dk/-

Fair/Copy of Judgment in OS. 101/2022
Dated: 07-12-2022.