

IN THE COURT OF THE MUNSIFF OF OTTAPALAM

Present:- Sri.M.R. Dileep, Munsiff, Ottapalam

Monday, 14th day of August, 2023

23rd day of Sravana, 1945. S.E.

F.D.INTER LOCUTORY APPLICATION No.4182/2022 IN O.S.40/2021.

P.M. Geetha, Aged 61 years, D/o. Santhakumari @ Thankammu
Kovilamma, Thachamath Moolayil, Kothakurssi Amsom, Desom,
Ottapalam Taluk, Now residing at Vadakkeppatt Veettil,
Vilayur. P.O., Pattambi Taluk.

petitioner
Plaintiff

-Vs-

1. P.M. Valsala Kovilamma, Aged 64 years, D/o. Santhakumari
@ Thankammu Kovilamma, Thachamath Moolayil,
Kothakurssi Amsom, Desom, Ottapalam Taluk.
2. Mallika, P.M. Aged 63 years, D/o. Santhakumari @
Thankammu Kovilamma, Thachamath Moolayil,
Kothakurssi Amsom, Desom, Ottapalam Taluk.
3. P.M. Krishnakumar, Aged 54 years, S/o. Santhakumari @
Thankammu Kovilamma, Thachamath Moolayil,
Kothakurssi Amsom, Desom, Ottapalam Taluk.

Respondents
Defendants

....

This petition coming on this day for hearing before me in the presence of Sri. K. Krishnakumar, Advocate for petitioner, and Sri. K. Madhu, Advocate for R2 & R3, and R1 called, absent, set ex parte, and the Court passed the following.

ORDER

This is an application for passing the final decree in a suit for partition. The petitioner is the plaintiff, and the respondents are the defendants.

2. According to the preliminary decree, each party has a one-fourth interest in the plaint B schedule property.

3. Respondent nos.2 and 3 have participated in the proceedings. Respondent no.1 refused to

receive the notice issued by the court. Therefore, the court decided to hear the petition in her absence.

4. An advocate commissioner was entrusted with the task of dividing the property by metes and bounds. He has submitted his report.

5. I have heard the counsel for the petitioner and the counsel for the respondents.

6. The petitioner and respondent nos. 2 and 3 are satisfied with the commissioner's report. The commissioner has divided the property in accordance with the preliminary decree. The commissioner's report dated 27.3.2023 and the plan accompanying it are marked as Exts.C1 and C2 respectively. Since the parties are satisfied with Exts.C1 and C2, a final decree is passed in the following terms:

- (a) The lot described in schedule A of Ext.C1 is allotted to the petitioner.
- (b) The lot described in schedule B of Ext.C1 is allotted to the 1st respondent.
- (c) The lot described in schedule C of Ext.C1 is allotted to the 2nd respondent.
- (d) The lot described in schedule D of Ext.C1 is allotted to the 3rd respondent.
- (e) The 1st respondent shall pay Rs.2,346/- to the petitioner.
- (f) Respondent nos. 2 and 3 shall pay Rs.113 to the petitioner.
- (g) Exts.C1 and C2 are made part of the final decree.
- (h) The petitioner shall deposit in court the price of the stamp paper required for engrossing the final decree.

- (i) The respondents shall share in the cost of the stamp paper pro rata, and the petitioner shall have charges on the lots allotted to the respondents for the sums due to her under this decree.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in the open Court on this, the 14th day of August, 2023.

Munsiff

APPENDIX:

Petitioner's Witness and Exhibits : NIL.

Respondents' Witness and Exhibits : NIL.

Court witness Examined : NIL.

Court Exhibits marked :

C1	:	27.03.2023	:	Commission report submitted by Advocate commissioner S. Vignesh.
C2	:	27.03.2023	:	Plan submitted by Advocate commissioner S. Vignesh.

Munsiff

Copied by:Bindu.

Compared by:Shyma