

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

RSA.No. 1003 of 2015

**JUDGMENT DATED 21-02-2015 AS.NO 159/2011 OF III ADDITIONAL
DISTRICT COURT, THRISSUR
JUDGMENT DATED 17-02-2011 OS 434/2010 OF MUNSIF COURT, VADAKKANCHERRY**
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APPELLANT(S) IN RSA/APPELLANT IN AS/PLAINTIFF IN SUIT:

**GIRIJA,
W/O.VLAVAL MADOM NARAYANARU
(WRONGLY SHOWN AS MLAVIN MADOM NARAYANAN
IN THE JUDGEMENT OF THE LOWER APPELLATE COURT)
AGED 62,THEKKUNCHERI, PUTHARUR VILLAGE, PUTHUR P.O.,
KOTTARAKKARA TALUK, PIN - 691 507.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.S.NITHIN (ANCHAL)**

RESPONDENT(S) IN RSA/RESPONDENTS IN AS/DEFENDANTS IN SUIT:

- 1. K.N.NAMBOODIRI @ KRISHNAN NAMBOODIRI, AGED 64,
S/O.KIZHAKKE KUNIYIL RAMAN NAMBOODIRI,
RESIDING AT H.NO.871, 22ND WARD, PALAKKAD TALUK,
PIN - 678 013.**
- 2. SREEDEVI, AGED 57 YEARS,
W/O.NARAYANAN NAMBOODIRI, PANTHAVUR MANA,
VENGINISSERY VILLAGE, DESOM, THRISSUR,
PIN - 680 525.**
- 3. DEVIKA, AGED 54 YEARS,
W/O.LATE NEELAMANA N.E.G. NAMBOODIRI, PANTHAVUR MANA,
VENGINISSERY VILLAGE, DESOM, THRISSUR,
PIN - 680 525.**
- 4. PARAMESWARAN NAMBOODIRI, AGED 52 YEARS,
S/O.KIZHAKKE KUNIYIL RAMAN NAMBOODIRI,
RESIDING AT THEKKETHARA DESOM, PAZHAYANNUR VILLAGE,
THALAPPILLY TALUK, PIN - 680 587.**

msv/

RSA.No. 1003 of 2015

5. JAYARAMAN, AGED 50 YEARS
S/O.KIZHAKKE KUNYIL RAMAN NAMBOODIRI,
RESIDING AT THEKKETHARA DESOM, PAZHAYANNUR VILLAGE,
THALAPPILLY TALUK, PIN - 680 587.
6. UNNIKRIISHNAN, AGED 42 YEARS,
S/O.KIZHAKKE KUNYIL RAMAN NAMBOODIRI,
RESIDING AT THEKKETHARA DESOM, PAZHAYANNUR VILLAGE,
THALAPPILLY TALUK, PIN - 680 587,
NOW RESIDING AT EJ/103 A, SINDHU, LOKGREM CTS,
LOKGREM, KALYAN EAST, MUMBAI PIN - 421 301.

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

P.B.SURESH KUMAR, J.

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R.S.A.No.1003 of 2015.

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Dated this the 14th day of September, 2015.

J U D G M E N T

The plaintiff in a suit for partition is the appellant.

2. The plaintiff and defendants are the children of Raman Namboodiri and Devaki Antharjanam. The plaintiff A schedule property belonged to Devaki Antharjanam and defendants 1 and 4 to 6. The plaintiff B schedule property belonged to Raman Namboodiri. Both Raman Namboodiri and Devaki Antharjanam died intestate. They have seven children including the plaintiff. On their death, the plaintiff claimed 1/7th share over plaintiff B schedule property and 1/12th share over plaintiff A schedule property.

3. The trial court accepted the case of the plaintiff in so far it relates to plaintiff B schedule property. As far as plaintiff A schedule property is concerned, the trial court found that since Devaki Antharjanam had only 1/5th right over the property, the

plaintiff is entitled to only 1/7th of the 1/5th right of Devaki Antharjanam. Consequently, a preliminary decree was passed to that effect. The plaintiff though challenged the preliminary decree in appeal, the appellate court confirmed the same. Aggrieved by the decisions of the courts below, the plaintiff has come up in this Second Appeal.

4. Heard the learned counsel for the appellant.

5. Going by the facts admitted by the parties, the share of property allotted to the plaintiff by the trial court as confirmed by the appellate court is in order. There is no illegality or impropriety in the impugned decisions. The Second Appeal, in the circumstances, is devoid of merits and the same is accordingly dismissed. All the interlocutory applications in the appeal are dismissed.

**P.B.SURESH KUMAR,
JUDGE.**

Kvs/-