

**IN THE COURT OF THE ADDL.DISTRICT JUDGE -VIII, ERNAKULAM
Present:- Smt.Sulekha M.,Special Judge, Special Court for the trial
of Offences under the SC/ST(POA) Act**

Full Addl.Charge of Addl.Dist.&Sessions Judge-VIII,Ernakulam.

Friday the 10th day of April, 2026/20th Chaithra 1948

O.P.No.203/2025

(In the matter of Minor Hayden Jimmy, aged 14 years, child of Jimmy George and the 2nd petitioner herein at Mekkunnel House, Parapuzha.P.O., Thodupuzha, Idukki- 683 581.)

Petitioners:-

1. Sri.Jobin Jose aged 45 years, S/o lype Joseph, residing at Mekkunnel House, Parapuzha, Thodupuzha, Idukki 685582, holder of Indian Passport No. AE 399563, is employed as Research Scientist, ARC-MST, Research and Innovation (Building #15), King Fahd University of Petroleum & Minerals, Dhahran - 31261, Saudi Arabia.
2. Deepthy Thomas Aged 43 Years W/o. Jobin Jose
Mekkunnel House, Parapuzha P.O, Thodupuzha,
Idukki, Kerala, Pin-683 581.

By Advs. Gerogie Simon, B.A.Anjitha Pillai,
Gowrisankar.K.S., and Sulfiya Mol.P.S.

Respondents:-Nil

This Application filed by the petitioner u/s.7 of the Guardian & Wards Act ,1890.

This OP came up for hearing before me on 08.04.2026 and stood over consideration till this date and the court on 10.04.2026 delivered the following:-

ORDER

This is a petition filed by the petitioner praying for declaring the petitioner as the guardian of the minor and to sanction the child's visa for education abroad, the minor named Hayden Jimmy.

2. The petitioner respectfully submits as follows: The 2nd petitioner is the mother and natural guardian of the minor, Master Hayden Jimmy, aged 14 years, born to her and late Mr. Jimmy George, the deceased husband of the petitioner.

3. The minor ordinarily resides with the 2nd petitioner who is the mother and natural guardian. The 2nd petitioner and the minor are residing in the address of residence of the petitioner and are in the custody of the petitioner. By religion they are Christians and are governed by the Indian Succession Act, 1925. The father of the minor Mr. Jimmy George died on 31-10-2023.

4. The petitioner's present husband, Mr. Jobin Jose, aged 45 years, S/o lype Joseph, residing at Mekkunnel House, Parapuzha, Thodupuzha, Idukki 685582, holder of Indian Passport No. AE 399563, is employed as Research Scientist, ARC-MST, Research and Innovation (Building #15), King Fahd University of Petroleum & Minerals, Dhahran 31261, Saudi Arabia. His residential address is Building No. 7863, Street Al Talah, Secondary No. 3891, District GharbAdh Dhahran, Postal Code 34464, Dhahran, Saudi Arabia.

5. The 2nd petitioner's marriage with the above said Jobin Jose (1st Petitioner) was solemnized on 23-06-2025 at St. Joseph's Church, Parapuzha, Kodikulam, Thodupuzha, Idukki. The petitioner confirms that this is her second marriage and her first marriage was with Mr. Jimmy George, who passed away on 31-10-2023 at Ajman due to Cardiac Arrest. In the wedlock with the above said Jimmy George they have a son named Hayden Jimmy who was born on 03-06-2011 who is aged 14 years of age now.

6. It is submitted that as per the law, the permanent custody of the above said minor son named Hayden Jimmy is with the 2nd Petitioner, after the death of the minor's father. At present the 2nd petitioner is the natural guardian of the above said Hayden Jimmy and the 2nd Petitioner has the capacity to take decision for the welfare of the above said minor son.

7. It is further submitted that the 2nd Petitioner's husband Mr. Jobin Jose is prepared to provide dependent visa and ready to take the petitioner to his job place at Saudi Arabia is also willing and consenting to take the petitioner's child named Hayden Jimmy along with the petitioner to Saudi Arabia on dependent visa.

8. It is submitted that the 2nd petitioner's husband Mr. Jobin Jose is capable and ready to take the guardianship of the 2nd petitioner's child named Hayden Jimmy and to be taken along with the Petitioner on

dependent visa of Mr. Jobin Jose for the welfare and better future of the Petitioner's son.

9. The minor is presently studying in St. Patric School, Angamaly. His new academic session is scheduled to commence in January 2026. The petitioner intends to shift the minor's education to a reputed school in Saudi Arabia, where she will reside with her husband, for the betterment of the child's education and overall welfare.

10. The only relations of the minor now living are the petitioner and the respondents who are residing at their respective address shown above.

11. No other petition to this effect has been filed before any Court of law or before any Authority. No other person has been appointed as the guardian of the above mentioned minor by any Authority or Court of Law.

12. The person proposed as guardian is the 1st Petitioner Mr. Jobin Jose for the minor. The 1st petitioner is in good circumstances and having sufficient income to maintain the minor and himself and is of good character and reputation. No other person other than the 1st petitioner along with the 2nd Petitioner who is the mother will be the best suited to be appointed as the guardian in the present circumstances. The 1st Petitioner who is the step father of the minor is responsible and is willing to carry the minor to Soudi Arabia. The 1st

petitioner Sri Jobin Jose is willful to look after the welfare and studies of the minor son, Hayden .

13. The only next close relative of the said minors apart from his guardian is the mother of Petitioner's deceased Husband. Hence the petition has been filed.

14. The Paper publication has been ordered and published, but no one raised any objection.

15. The only point arise for consideration is:-

1. Whether the 1st petitioner can be appointed as the lawful guardian of the minor named Hayden Jimmy?
2. Whether the petitioners can be granted permission to take the minor abroad for educational purposes?

16. The petitioner was examined as PW1 and Exts.A1 to A6 were marked.

17. Heard the learned counsel for the petitioner and perused the records.

18. **Point Nos.1 & 2:-** The evidence on record shows that the 2nd petitioner is the biological mother and natural guardian of the minor. The father of the minor, late Mr. Jimmy George, passed away on 31-10-2023. Thereafter, the minor has been in the continuous care and custody of the 2nd petitioner. The factum of death of the father, relationship of the

parties, and custody of the minor stand proved through the oral testimony of PW1 and Exts. A1 to A6.

19. It is further established that the 2nd petitioner has remarried the 1st petitioner, Mr. Jobin Jose, and the marriage is valid and subsisting. The 1st petitioner is employed as a Research Scientist in Saudi Arabia and is shown to have sufficient income and stable employment. There is nothing on record to discredit his character, capacity, or willingness to take care of the minor. On the contrary, the materials placed indicate that the 1st petitioner is willing to assume responsibility for the welfare, education, and upbringing of the minor.

20. The minor is presently aged 14 years and is studying in school. The petitioners have expressed their intention to take the minor to Saudi Arabia for better educational opportunities and overall development. The 1st petitioner has undertaken to provide dependent visa and necessary facilities for the minor's education and residence. The said intention appears to be bona fide and in the best interest of the minor.

21. The paper publication was effected. Despite such publication, no objections have been raised by any interested persons. This Court finds no adverse claim or competing interest regarding the guardianship of the minor.

22. It is well settled that while appointing a guardian, the Court must give due weight to the welfare and best interest of the minor, which

includes moral, educational, and physical well-being. In the present case, the minor is already under the care of the 2nd petitioner, his mother, and the proposed guardian, the 1st petitioner, being the stepfather, has expressed willingness and capability to provide a stable and conducive environment abroad. There is no material to show that the proposed arrangement would be detrimental to the minor.

23. Considering all the above facts and circumstances, this Court is satisfied that the appointment of the 1st petitioner as guardian and granting permission to take the minor abroad would serve the welfare and best interest of the minor.

24. Hence, the points for consideration are answered in favour of the petitioners.

In the result, this petition is allowed as follows:

- 1. The 1st petitioner, Mr. Jobin Jose, is hereby appointed as the lawful guardian of the minor, Master Hayden Jimmy.***
- 2. The 1st petitioner is granted permission to take the minor, Master Hayden Jimmy, abroad, namely to Saudi Arabia, for his educational purposes and welfare.***
- 3. Sanction is granted for issuance of necessary visa to the minor for pursuing his education abroad.***

- 4. The guardian shall act solely in the best interest of the minor's education, safety, and overall welfare are properly safeguarded.**
- 5. The Guardian should execute a bond with one surety for an amount of Rs.50,000/- each.**
- 6. The guardian is directed to submit yearly reports regarding the education and welfare of the minor.**

Dictated to the Confdl. Assistant, transcribed and typed by him and corrected by me and pronounced in open court on this the 10th day of April,2026.

Sd/-

**Sulekha M.,
Special Judge,Special Court for the trial
of Offences under the SC/ST(POA) Act.
Full Addl.Charge of Addl.Dist. & Sessions
Judge-VIII, Ernakulam.**

Appendix

Petitioner's Exhibits:

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| A1 | 15.11.2023 | Copy of Death Certificate of Jimmy George |
| A2 | 14.10.2025 | Copy of Employment Certificate of Mr. Jobin Jose |
| A3 | 21.08.2025 | Copy of Marriage Certificate |
| A4 | 06.12.2011 | Copy of Birth Certificate of Hayden jimmy |
| A5 | 08.09.2025 | Notarized Copy of Declaration and affidavit of Certificate |
| A6 | 14.02.2026 | Paper Publication in Kerala Kaumudi Daily |

Respondents' Exhibits: Nil

Petitioner's Witness:

PW1 17.03.2026 Deepthi Thomas

Respondents Witness: Nil

Id/-

Full Addl.Charge of Addl. District Judge-VIII.

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ORDER
in
OP No.203/2025
Dated:10.04.2026.