

IN THE COURT OF THE ADDL. DISTRICT JUDGE -I, MAVELIKARA

Present:-Smt.V.G.Sreedevi, Addl. District Judge-I

Wednesday, the 03rd day of June, 2026/13th Jyeshtam,1948

O.P. (G&W) No.05/2026

(Filed on: 25.02.2026)

Petitioners : 1. Ameerkhan.A, aged 33, S/o Seleena,
Thattaruparambil, Pallippattu Muri,
Thrikkunnappuzha Village.

2. Sainabakunju, aged 70, W/o Abdulla,
Thattaruparambil, Pallippattu Muri,
Thrikkunnappuzha Village.
(By Adv.Thesleena)

Counter Petitioner: Nil

This O.P. having been finally heard on 26.05.2026 and the court on 03.06.2026 passed the following:-

ORDER

This Original Petition is filed u/ss. 7 and 10 of the Guardian and Wards Act, 1890.

2. Averments in the petition, in brief, are as follows:- First petitioner is the brother and 2nd petitioner is the grandmother of the minor child Aslam S. born on 20.09.2011. Mother of the minor as well as the 1st petitioner Seleena died on 02.07.2023. The first petitioner is the son born in the first marriage of Saleena, and the father of the 1st petitioner passed away. Thereafter, Saleena remarried Sri.Shamsudheen Kunju on

04.02.2010, and the minor Aslam born in the said wedlock. Due to conflicts in the marital life, the marriage has been dissolved by pronouncing 'Triple Talaq' on 15.04.2016. A case is pending before the Judicial Magistrate of 1st Class-I, Haripad as MC 17/2021 seeking maintenance and compensation to the minor child.

3. After the death of mother, the minor is residing with the petitioners and he is under the care and protection of them. The 1st petitioner is a driver and he has sufficient income to maintain the child. The first petitioner is looking after all the affairs of the minor child. The parties are Muslims.

4. The mother of the minor as well as the 1st petitioner Seleena was working as Other Attendant at T.D. Medical College, Vandanam. The minor child is absolutely entitled to the movable and immovable properties of his deceased mother, such as EPF benefit, insurance (Jeevan Raksha) and family pension which are scheduled in the petition. The petitioners and the minor are the only legal heirs of deceased Seleena. In order to obtain the insurance amount of ₹5 lakhs, a guardianship certificate is necessary to open a new account in Sub Treasury, Haripad for

depositing the said amount. The minor child is the nominee of the insurance policy. In the said circumstance, the first petitioner is to be appointed as the guardian of the property of the minor so as to settle EPF, insurance (Jeevan Raksha) and family pension. It is prayed that the first petitioner may be allowed to withdraw the interest out of the deposited amount in order to meet the day to day expenses of the minor child/ Hence this petition.

5. Pursuant to the filing of the application, notices were published in the notice board of the court, in the Village Office, in the Panchayath Office and in the house of the minor as well as in the house of near relatives as per the mandate of Sec.11(1)(b) of the Guardian and Wards Act, 1890. The petitioner also effected paper publication in the Mangalam daily. Nobody appeared to oppose the application, even though notices were published and paper publication was taken out.

6. The first petitioner is examined as PW1, and Exts.A1 to A5 were marked.

7. Heard.

8. From the aforesaid facts, the following points are raised for adjudication:-

- 1. Is the first petitioner entitled for a declaration that he is the legal guardian of the property of the minor child, namely Aslam S., so as to deposit the insurance amount and family pension in the name of minor and to settle and deposit the share of the minor in the EPF and gratuity, as prayed for?***
- 2. Reliefs and costs?***

9. **Point No.1 & 2:-** The petitioners are the elder brother and grandmother of the minor child Aslam S. who born on 20.09.2011, as per Ext.A1 Birth Certificate. Mother of the minor as well as the 1st petitioner namely Seleena died intestate on 02.07.2023, as per Ext.A2 Death Certificate. The first petitioner/PW1 born in the first marriage of Seleena, and the father of PW1 passed away. Thereafter, Seleena remarried Shamsudheen Kunju, and the minor child was born in the said wedlock. Subsequently, the marriage got dissolved after pronouncement of 'Triple Talaq'. Ext.A3 is the legal heirship certificate.

10. Seleena was working as Other Attender in T.D. Medical College, Alappuzha. After the death of mother Seleena, the minor child is residing along with the petitioners. The minor is under the care and protection of his brother, the 1st petitioner/PW1. PW1 is a driver, and he is looking after all the affairs of the child.

11. Now, the petitioners approached this Court with a prayer to appoint the first petitioner as the legal guardian of the property of the minor so as to deposit the insurance amount as well as pensionary benefits in the name of the minor. Ext.A4 is a letter from Insurance Directorate, requiring a joint account in the name of the minor as well as the guardian in order to deposit the insurance amount of ₹5,00,000/- in the name of minor who is the nominee of the insurance policy. Ext.A5 is the Verification Report issued from the Principal, T.D. Medical College, Alappuzha and it is instructed to produce Guardianship Certificate for the sanction of the said benefits.

12. An affidavit is filed by the 1st petitioner/PW1 and it is stated therein that the minor child is entitled to the full insurance amount (Jeevan Raksha) as well as the family pension. But, in the case of EPF and gratuity, the minor has 1/3 share only.

13. The prayer of the petitioners to appoint PW1-first petitioner as the guardian of the property of minor child appears to be reasonable. It is absolutely for the welfare of the minor child. Hence, I am of the view that the first petitioner/PW1 can be appointed as the guardian of the property of the minor child.

Hence, this point is answered in favour of the petitioners.

14. Point No.2:-

In the result,

- 1) The petition is allowed, appointing the first petitioner as the guardian of property of the minor child, namely Aslam S.
- 2) The first petitioner is permitted to deposit the insurance amount of ₹5,00,000/- as Fixed Deposit in the name of the minor child in the Treasury concerned, in the status of his legal guardian.
- 3) The first petition is permitted to deposit the family pension in the name of the minor to keep in Fixed Deposit once in 3 months in the Treasury concerned, in the status of his legal guardian.
- 4) The first petitioner is permitted to deposit the minor's 1/3rd share in the EPF and gratuity as Fixed Deposit in the name of the minor child, in the status of his legal guardian.
- 5) The first petitioner is permitted to withdraw periodical interest accrued out of the fixed deposits in the name of the minor.
- 6) The minor child would be entitled to seek release of the fixed deposit, on his attaining majority.
- 7) The benefit of this order will be available to the petitioners only for a period of one year from today.
- 8) The petition is allowed without costs.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this the 3rd day of June, 2026).

Sd/-
V.G.Sreedevi
Additional District Judge-I

Appendix:

Exhibits marked for the Petitioner

A1 20.09.2011 Birth certificate of Aslam

A2	02.07.2023	Death certificate of Seleena
A3	23.03.2024	Legal heirship certificate
A4	19.02.2025	Letter from Insurance directorate
A5	06.10.2025	Verification report issued from the Principal T.D Medical College, Alappuzha.

Witness examined for the petitioner

PW1 10.04.2026 Ameerkhan.A

**Id/-
Additional District Judge-I**