

IN THE COURT OF II ADDL. DISTRICT JUDGE, KOZHIKODE

Present:- Sri. Saidalavi.P., II Addl. District Judge

Tuesday, the 7th day of April, 2026 (17th Chaithram, 1948)**Original Petition (G & W) No. 06/2026**

In the matter of minor petitioner :

Prithvin. P

14.07.2014

Between:-Jini. A, aged 39 years, D/o. Chandran, Andissery
House, Chemmad, Thirurangadi, Malappuram - 676306

Petitioner

And:-

- 1 Udayabharathi, aged 65 years, W/o. Damodaran,
Palakkal House, Areekkara Vayal, Arakkinar (PO),
Beyppore Amsom, Naduvattom Desom, Kozhikode –
673028
- 2 Dipisha, aged 45 years, W/o. Susmith. K,
Palakkal House, Nechooli Parambu,
Thuvvakkode, Chemancheri Amsom , Desom,
Kozhikode – 673004
- 3 Babisha. K, aged 43 years, W/o. Santhosh,
Kuruvil House, Naduvattom (PO), North Beyppore,
Beyppore Amsom, Naduvattom Desom, Kozhikode –
673015

Respondents

This petition coming on 25th day of March, 2026 for final hearing before me in the presence of Sri. P.C. Satheesh, Advocate for petitioner and Respondents not entered in appearance and having stood over to this day for consideration the court passed the following.

ORDER

This is a petition filed under Section 7 and 29 of the Guardian and Wards Act, 1890.

2. The case of petitioner, in brief, is that petitioner is the wife of Dinoop P., S/o.Damodaran, he passed away on 10-10-2017. Minor child

Prithvin P. was born in the marital relationship between the petitioner and Late Dinoop P. As per the Jenmam Assignment Deed No.2212/1996 of SRO, Meenchanda, father of Mr.Dinoop P., Damodaran acquired the petition schedule property. 1st respondent is the W/o. Damodaran and 2nd and 3rd respondents are the daughters. The facts being so, on 26-11-2013, father of Dinoop Mr. Damodaran passed away. Thereby his share in the property devolved upon the husband of the petitioner, Dinoop and the respondents as his legal heirs. After the death of Dinoop, the petitioner got re-married and now residing at Malapuram District. The petition schedule property is situated at Beypore in Calicut District. After the death of Mr.Dinoop on 10-10-2017 his $\frac{1}{4}$ shares in the petition schedule property devolved upon the petitioner, minor child and the first respondent, who is the mother of Late.Dinoop. Now the petitioner, minor child and the respondents are in joint possession and enjoyment of the property. The total extent of the petition schedule property is 4.30 cents. The petition schedule property is far away from the residence of the petitioner and therefore, she is not able to manage the property. Now the respondents and the petitioner decided to dispose the property to one Padannayil Sameera for a total sale consideration of Rs.6,00,000/-. Reducing the terms and conditions of the transaction an agreement is also executed. The minor child is under the care and protection of the petitioner. Therefore, the petitioner to be appointed as the guardian of the minor child and his property and to permit the petitioner to sell the share of the minor.

3. Notice was issued by way of paper publication and affixation. Notice was also served to the respondents. They entered appearance, but no counter statement was filed. To prove the case of petitioner, she herself was examined as PW1 and Exts.A1 to A7 marked. The respondents did not cross examine PW1.

4. I have heard both sides.

5. The points that arises for consideration are;

1. Whether the petitioner is entitled to be appointed as the guardian of the minor Prithvin P., and his share in the petition schedule property?
2. Whether the sale of the minor's share in the petition schedule property is beneficial to the minor?
3. Whether permission to sell the minor's share in the petition schedule property should be granted?

6. **Points 1 to 3:** Since these points are closely related, it is better to address them together. To prove the case of petitioner, she herself filed an affidavit in line with her claims and Exts.A1 to Ext.A7 were marked. Ext.A1 is the certified copy of the Jenmam Assignment Deed No.2212/1996 of SRO, Meenchanda. Ext.A2 is the death certificate of Damodaran, as per this he died on 26-11-2013. Ext.A3 is the legal heirship certificate of Damodaran, as per this the first respondent is his wife, aged 53 years, husband of the petitioner,

Dinoop P, aged 36 years is the son, Babisha and Dipisha are the daughters, aged 32 and 34 years respectively. Ext.A4 is the death certificate of Mr. Dinoop, as per this he died on 10-10-2017. Ext.A5 is the legal heirship certificate of Late Dinoop, as per this petitioner is the wife of deceased, minor Prithvin P. is the son and the first respondent is the mother of the deceased. Ext.A6 is the birth certificate of minor Prithvin P., as per this his date of birth is 14-07-2014 and Ext.A7 is the sale agreement executed by petitioner and respondents with Sameera with respect to the petition schedule property. As per this Sameera agreed to purchase the petition schedule property for a total sale consideration of Rs.6,00,000/-.

7. Notice regarding the filing of the guardian OP was published in a daily newspaper and through affixation, in accordance with the rules. No one opposed the appointment of the petitioner as the minor's guardian, and the respondent did not object to the petition. The petitioner, being the mother of the minor child, has shown through the evidence that the minor is in her care and protection. There is no adverse interest that would harm the minor's welfare. Therefore, I find that the petitioner is fit to be appointed as the guardian of the minor and his share in the property.

8. The next issue is whether the sale of the share of minor in the property is beneficial for him. At the time of examination, PW1 testified in line with the petition averments. Considering the facts of the case, I find that

sale of the minor's share in the property will be advantageous for the minor's welfare. Accordingly, the petition is allowed as follows:

1. The petitioner is appointed as the guardian of the minor Prithvin P and his share in the petition schedule property.
2. The petitioner is permitted to sell the minor's share, provided the petitioner shall deposit the sale proceeds in the minor's name as a fixed deposit in a Nationalised Bank within 3 months from today. The deposit is to remain until the minor attains majority, and the fixed deposit receipt must be submitted to the Court.
3. The petitioner shall execute a bond equal to the share of minor as per Form No. 7, Appendix 13 of the Civil Rules of Practice, in favor of the Court. Before registering the sale deed for the petition schedule property, the petitioner must submit a draft of the sale deed for court approval. After registration, the petitioner must file a copy of the registered sale deed with the court.
4. If the petitioner fails to comply with any of these conditions, the sale of the minor's property shall be void.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in the open court, on this the 7th day of April, 2026)

Sd/-
II Additional District Judge

Petitioner Witnesses:- Nil

Chief affidavit filed by the petitioner, Jini. A

Petitioner Exhibits:-

A1	:	11.09.1996	:	Certified copy of Janmam Assignemnet deed No. 2212/96
A2	:	30.11.2013	:	Death Certificaes of Damodaran
A3	:	17.09.2015	:	Legal Heirship Certifiates of Damodaran
A4	:	04.01.2020	:	Death Certificate of Dinoop
A5	:	20.12.2019	:	Legal Heirship Certifiates of Dinoop
A6	:	18.07.2014	:	Birth Certificate of Prithvin
A7	:	06.01.2026	:	Sale agreement executed between petitioner and Sameera

Respondent's Witnesses and

Respondent's Exhibits: Nil

Court Witnesses and Exhibits: Nil

Sd/-

II Additional District Judge

Typed by: Reena.K.A.

Fair/Copy of order in **OP(G & W) 06/2026**

Dated : 07.04.2026