

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE -1
KOTTAYAM**

Present:- Smt. Lilly K., Addl. District Judge-I

Saturday the 23rd day of May, 2026
2nd Jyaishta, 1948

O.P.(G.&W.)No. 15/2026

Petitioner : **Manju Stephen**, aged 42,
W/o. Stephen Chandy,
Kuruvanparambil House,
Njeezhoor P.O., Kottayam,
Pin- 686612. Represented by her
Power of Attorney A.M. Nowshadh,
aged 44 years, S/o. Muhammed,
Anaparambil House,
Cochin Special Economic
Zone(CSEZ) , Kakkanad,
Ernakulam, Pin- 682037.

By Adv. Suraj Krishna B.S

Respondent : Nil

This petition is filed under Sec. 7 r/w Sec.10 and 11 of Guardians and Wards Act 1890.

This Original Petition having been finally heard on 07.05.2026 and the Court on 23.05.2026 passed the following:-

ORDER

Petition filed under Section 7 r/w 10 and 11 of Guardian and Wards Act, 1890.

2. Averments in the petition are as follows:- Petitioner is the mother of three daughters, including Minsara Stephen (date of birth 09.11.2009). Her husband Stephen Chandy died intestate on 19.09.2025. Deceased Stephen Chandy was the owner of 105.4 Ares of property comprised in Survey 330 of Njeezhoor Village, as per Partition deed No.1774/1/2005 of Vaikom SRO. Estimated market value of the petition schedule property is approximately 1.5 crores. Prior to death, Stephen Chandy mortgaged the title deed of the petition schedule property to KSFE for Rs.30,00,760/- and Rs.35,02,005/- for construction of house. The deceased owed Rs.10,00,000/- to Linod V. Alex, arising from an agreement for sale of petition schedule property. But the sale could not be conducted. Upon his death, the liabilities devolved upon the petitioner and her daughters. Petitioner is employed in Italy and she is the sole earning member of the family. The only viable means of clearing the debts is by selling the petition schedule property. Petitioner is ready to deposit the sale proceeds obtained by the sale of share of the minor in a nationalised bank and it can be utilized for the welfare of the minor. Hence she sought to appoint her as the guardian of the person and property of the minor and sought permission to sell the property.

3. Notice was issued to respondent and all legal formalities were complied. Nobody appeared to contest the proceedings. Petitioner was examined as PW1 and Exts.A1 to A8 were marked.

4. Heard the counsel for petitioner.

5. The points that arise for consideration are:

- 1) Whether the petitioner can be appointed as the guardian of the person and property of the minor?
- 2) Whether permission can be granted to sell the minor's undivided share in the property ?

6. **Point Nos.1 & 2:-** According to the learned counsel for the petitioner, minor being the daughter of Stephen Chandy, is co-owner having undivided share in the property held by her deceased father. Petitioner claimed that being Christian, the minor obtained 1/3 of 2/3 share in the petition schedule property.

7. Ext.A1 is the copy of Partition deed No.1774/1/2005 of SRO, Vaikom. Ext.A2 is the Death Certificate of Stephen Chandy. Ext.A3 is the Birth Certificate of Minsara Stephen

issued by Ettumanoor Grama Panchayat showing her date of birth as 09.11.2009. Exts.A4 and A5 are the copy of demand notices issued from KSFE Ltd., Kottayam in the name of Stephen Chandy. Ext.A6 is the tax receipt, Ext.A7 is the copy of Aadhaar of the petitioner and Ext.A8 is the copy of Aadhar of Minsara Stephen.

8. From the documents produced, it can be found that the minor child obtained undivided 2/9 share in her deceased father's property. Fair value details was also produced by the petitioner. The property had fair value of Rs.46,200/- per Are. The market value of property would be more than the fair value. Property has road frontage. Petitioner is the natural guardian and mother of the minor child. Considering the facts and circumstances, it can be found that the child is under the care and protection of her mother and she has no interest adverse to the interest of the minor and she can be appointed as the guardian of the person and property of the minor. It is also found that permission can be granted to the petitioner to sell the 2/9 undivided share of minor in the property, for a consideration of a minimum of 25 lakhs, for the welfare of the

child and direction can be given to deposit the amount 25 lakhs in a nationalized bank. The Points are found accordingly.

In the result, the petition is allowed.

- (1) Petitioner is appointed as the guardian of the ward Minsara Stephen (date of birth 09.11.2009).
- (2) Petitioner is appointed as the guardian of 2/9 undivided share of ward in 105.04 ares of property in Survey No.330 of Njeezhoor Village.
- (3) Petitioner shall execute a bond for ₹25,00,000/- (Rupees Twenty five lakhs only) as per Rule 370 of Civil Rules of Practice.
- (4) Petitioner shall produce draft sale deed for approval for sale of ward's 2/9 share in the property.

Dictated to the Confdl. Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, on this the 23rd day of May, 2026.

Sd/-
Lilly K.
Addl. District Judge-I,
Kottayam.

APPENDIX**Exhibits marked for the Petitioner:-**

| | | |
|----|--------------|---|
| A1 | : 18.07.2005 | Copy of partition deed No.1774/1/2005 of Sub Registrar Office, Vaikom |
| A2 | : 19.09.2025 | Death Certificate of Stephen Chandy |
| A3 | : 09.11.2009 | Birth Certificate of Minsara Stephen issued by Ettumanoor Grama Panchayath |
| A4 | : 13.11.2024 | Copy of demand notice issued from KSFE Ltd., Kottayam in the name of Stephen Chandy |
| A5 | : 18.11.2024 | Copy of demand notice issued from KSFE Ltd., Kottayam in the name of Stephen Chandy |
| A6 | : 18.08.2025 | Tax receipt |
| A7 | : | Copy of Aadhar of the Petitioner |
| A8 | : | Copy of Aadhar of Minsara Stephen |

Exhibits marked For The Respondent :- Nil**Court Exhibits :- Nil****Witness Examined For The Petitioner :-**

PW1 : 30.04.2026 Manju Stephen

Witness examined for the respondent:- NilId/-
Addl.District Judge-1

//True Copy//

Copied by:
Compared by:Sd/-
Lilly K.
Addl. District Judge-I
Kottayam