

**IN THE COURT OF ADDL.DISTRICT JUDGE-II (SPECIAL)
KOTTAYAM**

Present : Sri. Subash.S,
Addl. District Judge-II (Special),Kottayam.

Thursday, the 26th day of March, 2026.
5th day of Chaitra, 1948

O.P No.63/2025

Petitioners:-

1. Bindhu Biju, W/o late Biju Madhavan,
aged 42 years, Ambilithanam House,
Manganam P.O, Vijayapuram Village,
Kottayam, Pin- 686018
2. Revathy B, D/o Biju Madhavan,
aged 20 years, Ambilithanam House,
Manganam P.O, Vijayapuram Village,
Kottayam, Pin- 686018

By Adv. C. A Jose

Respondent:- Nil

This is an application filed under section 7, 8, 9 and 27 of the Guardians and Wards Act, 1890.

This Guardian and Ward OP having been finally heard on 02.03.2026 and the court on 26.03.2026 delivered the following :-

J U D G M E N T

This is an application filed under section 7, 8, 9 and 27 of the Guardians and Wards Act, 1890.

2. The petition averments in brief are as follows:- 1st petitioner is the wife of deceased Biju Madhavan. 2nd petitioner and minor Revanth Biju are the children born out of their wedlock. Biju Madhavan died intestate on 26.06.2015 leaving behind his wife and children. Petition schedule property originally belonged to deceased Madhavan who is the father of Biju Madhavan. Madhavan died intestate and his wife Sarasamma and his son Shibu Madhavan also died. The petitioners, minor Revanth Biju who are the legal heirs of deceased Biju Madhavan, the legal heirs of Shibu Madhavan and the younger son of Madhavan, Binu Madhavan are the only legal heirs of deceased Madhavan. The minor is not able to take income from the said property and hence for looking after the said property a guardian is to be appointed for the benefit of the minor. In the circumstances, the petitioner has filed this petition for appointing the 1st petitioner as his guardian and for permission to partition the petition schedule property.

3. Even though notice of the petition was published in a daily, nobody appeared.

4. The 1st petitioner was examined as PW1 and Exts.A1 to A7 were marked.

5. Heard the learned counsel for the petitioners and perused the records.

6. The points that arose for consideration are as follows;

1. Whether permission can be granted to the petitioner to partition the share of her minor child in the petition schedule property?

2. Reliefs.

7. **Point No. 1:-** From the available records, it can be seen that 1st petitioner is the mother and natural guardian of the minor ward named Revanth Bju. Ext.A2 is the birth certificate of minor child and as per the said birth certificate he was born on 27.03.2015. Ext.A1 is the death certificate of deceased Biju Madhavan and as per Ext.A1 he died on 26.06.2015. Ext.A3 is the death certificate of deceased Madhavan and as per Ext.A3 he died on 05.07.1999. Ext.A4 is the certified copy of sale deed No.169/1985. Ext.A4 would

show that deceased Madhavan got title over the petition schedule property. According to the petitioners, deceased Madhavan died intestate and his wife Sarasamma and sons Biju Madhavan and Shibu Madhavan also died. The legal heirs of deceased Biju Madhavan, legal heirs of deceased Shibu Madhavan and Binu Madhavan are the only legal heirs of deceased Madhavan. The wife and two children are the legal heirs of deceased Shibu Madhavan and hence the petitioners and the minor child are entitled to 1/9 share each over the petition schedule property.

8. The petitioners have filed this petition seeking permission to partition the petition schedule property. When the petitioner was examined as PW1, she filed affidavit in lieu of examination in chief, in which she reiterated the averments in the petition. In the said affidavit she reiterated that the partition of petition schedule property is essential for the beneficial enjoyment of the petition schedule property and for the welfare the minor.

9. Considering the evidence of the petitioners and other materials on record, this court is satisfied that the

permission sought for is on account of necessity and there is an evident advantage to the ward by the partition of the said property. As the mother herself has filed this application, it cannot be said that she has any interest adverse to that of minor. In the circumstances, I am of the view that permission can be granted for the partition of the share of minor child over the petition schedule property. The point is answered accordingly.

10. **Point No. 2:-** In view of the finding on the above point, I am inclined to allow the petition and the petition is allowed subject to the conditions.

In the result;

- (1) The 1st petitioner is declared as the guardian of the property of minor Revanth Biju.
- (2) Permission is granted to the 1st petitioner to partition the share of minor Revanth Biju in the petition schedule property subject to the following conditions;
 - (a) The 1st petitioner shall execute a bond for ₹2,00,000/-.

(b) The 1st petitioner shall produce the draft partition deed for approval before its execution and the certified copy of the partition deed shall be produced before the court within three months from the date of execution.

(3) No order as to costs.

Dictated to my Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced in open court, on this the 26th day of March, 2026.

Sd/-
Subash. S
Addl. Sessions Judge-II(Spl.),
Kottayam

APPENDIX:

Exhibits marked for the Petitioner:-

Ext.A1	07.01.2016	True Copy of death certificate of Biju Madhavan issued from Arpookara Grama Panchayath
Ext.A2	18.11.2015	True copy of birth certificate of Revanth Biju issued from Kottayam Municipality
Ext.A3	25.03.2025	Copy of death certificate of A. N. Madhavan issued from Puthuppally Grama Panchayath

Ext.A4	16.01.1985	Certified copy of sale deed No. 169/1985.
Ext.A5	23.09.2024	Copy of tax receipt
Ext.A6	16.04.2024	Copy of Family membership certificate issued from Vijayapuram Village office
Ext.A7	NIL	Copy of data showing fair value of land from the website of registration department.

Exhibits Marked for The Respondent:- Nil

Court Exhibits: Nil

Witness Examined for the Petitioner:

PW1	05.11.2025	Bindhu Biju
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Witness Examined for the Respondents:NIL.

Id/-
Addl.District Judge -II (Spl.)
Kottayam.

//True Copy//

Copied By:
 Compared By:

Sd/-
Subash. S
Addl. Sessions Judge-II(Spl.),
Kottayam