

IN THE COURT OF ADDL. DISTRICT JUDGE-IV, KOTTAYAM

Present :- Dr. Satheesh Kumar V., Addl. District Judge-IV, Kottayam

Wednesday the 8th day of April, 2026/18th day of Chaithra 1948

OP (G&W) No.92/2025

Petitioner :-

Minimol T M, aged 55 years, W/o late Padmakumar V S,
Vaniyampampil House, Thidanad Kara, Chemmalamattom P. O,
Kondoor Village, Pin-686508, Kottayam district

By Adv. Raju Abraham

Respondent :-

Shilpa P, aged 18 years, D/o late Padmakumar V S,
Vaniyampampil House, Thidanad Kara, Chemmalamattom P.O,
Kondoor Village, Pin – 686508, Kottayam district

Exparte

This petition having been finally heard on 07.04.2026 and the court on 08.04.2026 passed the following :-

ORDER

1. This petition is instituted under Sections 7 and 10 of the Guardians and Wards Act, 1890. The Petitioner seeks formal appointment as the guardian of the person and property of the minor, Souparnika P. Nair, and further seeks permission of this Court to execute a sale deed for the minor's undivided $\frac{1}{3}$ share in the petition schedule property to meet educational expenses and repay inherited debts.
2. The minor's father, Padmakumar V.S., passed away on 29/07/2021. The minor, aged 11 years, resides with her mother (the Petitioner) and has inherited an undivided share in the property described in the schedule: an extent of 79.60 Ares in Re-Sy No. 224/3 of Kondoor Village, acquired via Will Deed No. 22/111/1995.
3. The Petitioner contends that following her husband's death, she became the primary caregiver for the minor and the respondent. She asserts that the

proposed sale of the scheduled property is necessary to satisfy substantial debts amounting to ₹14,37,589/- previously owed to the Thidanadu Service Co-operative Bank, which were settled with the assistance of relatives and must now be repaid. Furthermore, the funds are required to ensure the continued education and daily maintenance of her children.

4. Points for Determination

1. Is the Petitioner a suitable person to be appointed as the guardian of the minor's person and property?
 2. Does the proposed sale of the minor's share meet the legal standard of "necessity or for the evident benefit of the minor"?
5. **Points 1 and 2.** The Petitioner, Minimol T.M., filed a chief affidavit, confirming her status as the mother and natural guardian of the minor. She has affirmed that she is looking after the affairs of the minor, Souparnika P. Nair (born 21/02/2014), with the utmost care and has no interest adverse to that of the minor. The affidavit clarifies that the minor inherited a $\frac{1}{3}$ share in the petition schedule property following the death of her father. The Petitioner has expressed her fitness to act as the legal guardian and her commitment to utilising the sale proceeds to secure the minor's welfare and education.
6. The Court has examined the following exhibits marked during the proceedings: Ext. A1: Birth certificate of the minor. Ext.A2: Death certificate of the minor's father. Ext.A3: Will Deed. Ext. A4: Family Membership Certificate. Ext.A5: A release deed showing discharge debt. Ext. A6: A release deed. Ext. A7: Tax receipt. A8: Fair Value Certificate produced by the Petitioner (Subsequently marked).

7. The Court has scrutinised Exhibit A8, the Valuation Statement/Fair Value Certificate produced by the Petitioner. This document establishes the government-approved fair value for the land in Kondoor Village, where the petition-scheduled property, comprising 79.60 Ares, is situated. Based on this valuation, the Court has assessed the worth of the minor's undivided $\frac{1}{3}$ share to ensure that any future transaction reflects the true market potential of the asset. This evidence is crucial to the Court's determination that the proposed sale is not only a matter of necessity but provides a tangible and evident benefit to the minor, Souparnika P. Nair, by securing a corpus of funds sufficient to cover her long-term educational requirements and the family's inherited liabilities.
8. According to Ext. A8, the fair value for the land situated in Block 43, Re-Sy No.224/3 of Kondoor Village is fixed at ₹66,000/- (Sixty-Six Thousand Rupees) per Ares. Considering that the petition schedule property covers a total area of 79.60 Ares, the estimated value of the property is calculated at ₹52,53,600/-. Consequently, the undivided $\frac{1}{3}$ share held by the minor, Souparnika P. Nair, is valued at ₹17,51,200/-. The Court finds that the realisation of this amount through the proposed sale is commensurate with the necessity of clearing the family's inherited liabilities and ensuring the minor's future maintenance and education, thereby satisfying the legal standard of "evident benefit" to the minor child.
9. Under Section 17 of the G&W Act, the minor's welfare is the paramount consideration. The Petitioner is the mother and natural guardian of the minor. Having filed a proof affidavit and demonstrated that the property is encumbered by the necessity to repay debts and provide for education, she is deemed a fit and proper person to be appointed as the guardian. The

Respondent was served and set *ex parte*, and no objections were raised following a paper publication. Hence, the petition is to be allowed.

10. **In the result, the petition is allowed, subject to the following directives :**

1. *The Petitioner, Minimol T.M., is hereby declared and appointed as the guardian of the person and property of the minor, Souparnika P. Nair.*
2. *Permission is granted to the guardian to execute a sale deed for the minor's undivided share in the petition schedule property.*
3. *The sale proceeds of ₹17,51,200/- attributable to the minor's share must be deposited with a nationalised bank for a period of 5 years. The FD receipt should be produced within 15 days of the date of sale.*
4. *The guardian shall file a copy of the registered sale deed before this Court within one month of its registration.*
5. *The guardian shall execute a bond for ₹20,00,000/- (Rupees Twenty Lakhs only) with two sureties each for the like sum to ensure the protection of the minor's interests, prior to the sale.*

Dictated to the software, corrected by me, and pronounced by me in Open Court on this the 8th day of April, 2026.

Sd/-
Dr. Satheesh Kumar V
Addl. District Judge-IV

APPENDIX

Exhibits marked for the Petitioner :-

- | | | | | |
|----|---|------------|---|---|
| A1 | - | 01.06.2020 | - | True copy of birth certificate of the minor |
| A2 | - | 31.08.2021 | - | Death certificate of minor's father |
| A3 | - | 08.05.1995 | - | True copy of will deed No.22/III/1995 |
| A4 | - | 14.10.2022 | - | Family membership certificate |
| A5 | - | 07.03.2024 | - | Release deed showing discharge debt |

A6 - 07.03.2024 - Release deed
A7 - 01.07.2024 - Tax receipt
A8 - 16.03.2026 - Fair value certificate

Exhibits marked for the Respondents :- NIL

Court Exhibits : NIL

Witness Examined for Petitioner : - NIL

Witness Examined for Respondents : - NIL

Id/-

Addl. District Judge-IV

// True Copy //

Copied by :

Sd/-

Compared by :

Dr. Satheesh Kumar V
Addl. District Judge-IV