

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

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

Friday, the 10<sup>th</sup> day of April 2026.  
20<sup>th</sup> day of Chaithra, 1948.

**OP No. 152/2025**

**Petitioner:-**

Anjana Ravi, aged 35 years, W/o Late Vishnu.K. Vamadevan, Parapathali House, Eraviperoor Kara, Eraviperoor P O, Eraviperoor Village, Thiruvalla Taluk, Pathanamthitta District-689542. Now residing at Kidarathil House, Kumaranalloor PO, Near Suryakalady Mana, Nattassery, S.H Mount, S.H Mount PO, Perumbaikkadu Village, Kottayam Taluk. Kottayam District-686006.

By Adv. Harikrishnan. S

**Respondent:-**

Sasikala, aged 59 years, W/o Vamadevan, Kidarathil House, Near Surya Kalady Mana, Nattassery, S.H Mount , S.H Mount PO, Perumbaikkadu Village, Kottayam Taluk, Kottayam District-686006.

By Adv. Raghavnath Sreedhar

This Petition having been finally heard on 04.04.2026 and the court on 10.04.2026 delivered the following :-

**J U D G M E N T**

This is an application filed under sections 7 to 10 and 29 of the Guardians and Wards Act, 1890.

2. The petition averments in brief are as follows:-  
Petitioner is the wife of deceased Vishnu K. Vamadevan. Minors named Adhidev K. Vishnu aged 11 years and Adhrika K. Vishnu aged 5 years are the children born out of their wedlock. Vishnu K. Vamadevan died intestate on 21.05.2024 leaving behind his wife, his mother, and minor children. The petition A schedule property belonged to deceased Vishnu K. Vamadevan and his wife Anjana Ravi. The petition B schedule property also belongs to deceased Vishnu K. Vamadevan and the petitioner. Petition A schedule property was mortgaged with ICICI Bank Ltd., by the deceased Vishnu K. Vamadevan and availed loan of ₹40,00,000/-. During the lifetime of deceased Vishnu K. Vamadevan, he along with his wife and mother decided to sell petition A and B schedule properties and to discharge all his liabilities including the loan. The petitioner is left with no other choice than to sell A and B schedule properties in order to discharge the debts of her husband including the loan. In the circumstances, the petitioner has filed this petition for permission to sell the share of the minors in petition A and B schedule properties.

3. The respondent appeared, but not filed any objection.

4. Even though notice of the petition was published in a

daily, nobody turned up and filed objection.

5. The petitioner was examined as PW1 and Exts.A1 to A7 were marked.

6. Heard the learned counsel for the petitioner and perused the records.

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

1. Whether permission can be granted to the petitioner to dispose of the share of her minor children in A and B schedule properties?

2. Reliefs.

8. **Point No. 1:-** From the available records, it can be seen that petitioner is the mother and natural guardian of the minor wards named Adhidev K. Vishnu and Adhrika K. Vishnu. Ext.A1 and A2 are the birth certificates of minor children. As per Ext.A1, Adhidev K. Vishnu was born on 24.10.2014 and as per Ext.A2 Adhrika K. Vishnu was born on 15.12.2020. Ext.A3, which is the copy of death certificate of deceased Vishnu K. Vamadevan, would show that he died on 21.05.2024. Ext.A5 is the certified copy of sale deed No.373/2022 of Kottayam Additional SRO and Ext.A6 is the certified copy of sale deed No.2393/2019 of Kottayam Additional SRO. Exts.A5 and A6 sale deeds would show that the petitioner and her husband got title over the petition A

and B schedule properties. According to the petitioner, as her husband died intestate, his 1/2 right over A and B schedule properties devolved upon her, her minor children and the mother of the deceased. Therefore, the petitioner is entitled to 5/8 share over A and B schedule properties and minor children and mother of the deceased are entitled to 1/8 share each over the petition A and B schedule properties.

9. The petitioner has filed this petition seeking permission to sell the shares of her minor children over petition A and B schedule properties. When the petitioner was examined as PW1, she filed affidavit in lieu of examination in chief, in which she reiterated that it is necessary to sell petition A and B schedule properties to discharge the debts incurred by her husband Vishnu K Vamadevan and to close the loan availed from ICICI Bank. Ext.A7 is the possession notice issued from the ICICI Bank. As per the said possession notice, the petitioner and other legal heirs of deceased Vishnu K. Vamadevan were called upon to repay the loan amount of ₹44,49,723/- within 60 days.

10. Considering the evidence of the petitioner 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 children by the sale of the said properties. As the mother herself has filed this application, it cannot be said that she has any interest adverse to that of the minors. In the circumstances, I am of the view that permission can be granted for the sale of the petition A and B schedule properties, subject to a condition that the shares of the minors in the sale proceeds shall be deposited in a nationalized bank in a fixed deposit scheme. The above point is answered accordingly.

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

In the result;

- (1) The petitioner is declared as the guardian of the properties of the minors named Adhidev K. Vishnu and Adhrika K. Vishnu.
- (2) Permission is granted to the petitioner to sell the share of minors Adhidev K. Vishnu and Adhrika K. Vishnu over the petition A and B schedule properties subject to the following conditions;
  - (a) The petitioner shall execute a bond for ₹10,00,000/-.
  - (b) The petitioner shall deposit the shares of the minors in the sale proceeds derived at the time of sale of the said properties, in a Nationalized Bank in the name of the minors

Adhidev K. Vishnu and Adhrika K. Vishnu as fixed deposit in a profitable scheme till they attains majority.

- (c) The fixed deposits receipt shall be produced before this Court within one month from the date of the sale of the properties. The fixed deposit receipts shall be kept in the safe custody. The petitioner is permitted to withdraw the periodical interest accrued on the amount deposited from the bank concerned for the maintenance and educational expense of the minors by filing proper petition before this court.
- (d) The petitioner shall produce the draft sale deed for approval before its execution and the certified copy of the sale deed shall be produced before the court within three months from the date of execution of the sale deed.

(4) 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 10<sup>th</sup> day of April, 2026.*

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

