

**IN THE COURT OF THE IV ADDITIONAL DISTRICT JUDGE OF
THRISSUR**

Present:

Sri. ANIL T.P, IV ADDITIONAL DISTRICT JUDGE.

Friday, the 10th day of April 2026/ 20th Chaithram 1948 SE

G.O.P. 70/2025

Petitioner: Beena, aged 38, W/o Roy @ Poulouse, Panichepparambil Veedu, Puthur Desom, Village, Puthur P.O, Thrissur Taluk, Thrissur District – 680614.

Minors: 1. Abhiya Poulouse, aged 15, (DOB- 20.11.2009) D/o 1st Petitioner & Late Roy @ Poulouse, Panichepparambil Veedu, Puthur Desom, Village, Puthur P.O, Thrissur Taluk, Thrissur District – 680614.

By. Adv. Saji Joseph

Respondents: 1 Joshy P.J, aged 43, S/o Joseph, Panichepparambil Veedu, Puthur Desom, Village, Puthur P.O, Thrissur Taluk, Thrissur District – 680614.

2 Lijo P.J, aged 43, S/o Joseph, Panichepparambil Veedu, Puthur Desom, Village, Puthur P.O, Thrissur Taluk, Thrissur District – 680614.

3 Robin Roy Joseph, aged 19, S/o Roy @ Poulouse, Panichepparambil Veedu, Puthur Desom, Village, Puthur P.O, Thrissur Taluk, Thrissur District – 680614.

**Impleaded as per Order in I.A. 04/2025 dated
07.01.2026.**

By. Adv. Gabriyel Martin Vazhappilly.

This petition having been finally heard on 27.03.2026 having stood over for consideration to this day, the Court passed the following:

ORDER

This is a Petition filed u/s. 7, 8, 9 & 10 of Guardian and Wards Act, 1890.

2. The petitioner is the mother of the minor child. The petition schedule property was obtained by the paternal grandfather of the minor named Joseph @ Joy as per document No. 4077/1982. Grandfather died on 13.08.2009. After his death, the right devolved upon wife and children including Roy @ Poulouse, who was the father of minor child. The wife of Joseph @ Joy, Leelamma had executed settlement deed in favour of a son named Joshy. The father of the minor child died on 06.12.2013. Petitioner had married Roy @ Poulouse as per the Christian Region Rights and customs. After the death of Joseph @ Joy, wife Leelamma got 9/27 shares, whereas children named Joshy, Lijo and Roy got 6/27 share each. After the execution of settlement deed by Leelamma, Joshy is entitled for 15/27 shares. On the death of Roy @ Poulouse, petitioner and minor child together entitled for 6/27 shares. So minor is entitled for 2/27 share and elder son , who is R3 is entitled for 2/27 shares. Minor is studying in 9th standard. Petitioner is needed money for meeting the educational expenses of the minor child. So there is no other way , but to sell the share of minor. A person named Jainik is ready to purchase the property for an amount of Rs.12 Lakhs. An agreement for sale was executed on 09.11.2024 and an advance amount of Rs. 2 Lakhs was received. Petitioner and respondents are parties

to the agreement for sale. The amount agreed is the maximum amount which will fetch for the petition schedule property. The share of minor will come to Rs. 88,889/-. Petitioner is ready to deposit the amount in the name of minor in any Nationalized bank. Hence petitioner may be appointed as guardian of the property of minor.

3. Respondents 1 to 3 filed no objection statement.

4. There was public notice given by publication. The claim of petitioner was published and so far there was no objections raised by any persons.

5. The petitioner filed proof affidavit and Exts. A1 to A13 were marked.

6. Heard the counsel for the petitioner.

7. Now the points that arise for consideration are:

1. Whether the petitioner can be appointed as the guardian of property of the minor ?
2. Whether petitioner can be permitted to sell the minor's share in the petition schedule property?
3. If permitted, what shall be the conditions?

8. **Points No. 1 to 3:** The petitioner is the mother of minor. Apart from the minor, another son of petitioner is the 3rd respondent. All the legal heirs of Late Joseph @ Joy excluding the wife of him are impleaded in the petition. The wife of Joseph @ Joy, who was the owner of property was not included in the petition as she had already executed Ext.A12 settlement deed in the name of 1st respondent. It is

seen that the original agreement for sale is not produced and none of the documents produced are original or certified copies. In such a circumstances, this court is not able to pass an order regarding appointment of the guardian of the property of the minor. Petitioner has to produce the registration copies of title deeds and the original of the agreement for sale. Hence one month time is granted to produce registration copies of title deeds and the original of the agreement for sale.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 10th day of April, 2026).

Sd/-

ANIL T.P
IV ADDL. DISTRICT JUDGE
THRISSUR.

APPENDIX

Petitioner's Exhibits:

- | | | |
|----|---|--|
| A1 | _ | Certified copy of Theer deed No. 4077/1982 of SRO, Ollukkara dt: 28.10.1982. |
| A2 | _ | Certified copy of Death certificate – No 57/2012of Joseph @ Joy dt: 30.03.2012 |
| A3 | _ | Certified copy of Death Certificate - No. 167/2013 of Roy @ Poulouse dt: 03.01.2014 |
| A4 | _ | Certified copy of Death Certificate No. 960/2018 of Leelamma dt: 24.10.2018. |
| A5 | _ | Certified copy of Family membership certificate No. 88120327 of Joseph @ Joy dt: 30.08.2024. |
| A6 | _ | Certified copy of Family membership certificate No. 89364996 of Roy @ Poulouse dt: 05.11.2024. |
| A7 | _ | Certified copy of Birth certificate of Abhiya Poulouse. |
| A8 | _ | Certified copy of Sale agreement dt: 09.11.2024. |

- A9 _ Certified copy of Encumbrance certificate dt: 21.01.2025.
A10 _ Certified copy of Tax receipt of Petition schedule property
 dt: 01.07.2024.
A11 _ Certified copy of Tax receipt of House dt: 27.01.2025.
A12 _ Photostat copy of settlement deed No. 1650/2018 of SRO,
 Kuttanellur dt: 24.09.2018.
A13 _ Fair Value Certificate

Petitioner's Witnesses:- NIL

Sd/-

IV ADDL. DISTRICT JUDGE

By Order

Sheristadar

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Compared by:at

/True Copy/