

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE, IRINJALAKUDA**  
**Present:- Sri.Vinod Kumar.N., Additional District Judge.**  
**Friday, 10<sup>th</sup> April 2026/ 20<sup>th</sup> Chaithra, 1948**

**G.O.P. 12/2026**

**Petitioners:-**

1. Abdul Shukkur, aged 69 years, S/o. Ali,  
Marakkaparambil House, Pindani Desom,  
Puthenchira Village, Puthenchira South P.O.,  
Mukundapuram Taluk, Thrissur District.
2. Seenath, aged 65 years, W/o. Abdul Shukkur,  
Marakkaparambil House, Pindani Desom,  
Puthenchira Village, Puthenchira South P.O.,  
Mukundapuram Taluk, Thrissur District.
3. Vajitha.M.Ismail, aged 40 years, W/o. Saneesh,  
Marakkaparambil House, Puthuvassery Parambayam,  
Chengamanad, Nedumbassery P.O., Ernakulam District.

By Adv.V.Narayanan Namboothiripad

**Minors:-**

1. Ameen, aged 11 years, S/o. Saneesh,  
Marakkaparambil House, Puthuvassery Parambayam,  
Chengamanad, Nedumbassery P.O., Ernakulam District.
2. Amreen.M.S., aged 15 years, D/o. Saneesh,  
Marakkaparambil House, Puthuvassery Parambayam,  
Chengamanad, Nedumbassery P.O., Ernakulam District.

**Respondent: Nil**

This petition has come up before me, for hearing on this day the court passed the following :-

**ORDER**

Petition is filed under section 7,8,9 and 10 of the Guardians and Wards Act, 1890 in the matter of minors named Ameen aged 11 years and Amreen aged 15 years to appoint the petitioner No.3 as the guardian of the person and property of minors and to permit her to sell the minors' share in the petition schedule property.

2. The case of the petitioners in brief is as follows : - The petitioner Nos.1 and 2 are the grandparents and petitioner No.3 is the mother of minors. According to the petitioner No.3, the minors are under her protection and care. Saneesh, the husband of the petitioner No.3 as well as the father of minors died on 03/07/2022. The petition schedule property originally belonged to Saneesh as per document No.999/2015 of SRO, Mala. After the death of Saneesh, his right over the property devolved on his parents, wife and minor children. Accordingly, the petitioner Nos.1 and 2 got 1/6 shares each, the petitioner No.3 got 1/8 share, the minor No.1, son got 2/3 share and the minor No.2, daughter got 1/3 share in the petition schedule property. Now the petitioner No.3 intends to sell the minors' share in the petition schedule property to meet the day-to-day affairs of the minors including educational expenses. The petitioner No.3 is facing difficulty in maintaining the petition schedule property as the property is situated 30 kilometres away from her residence. The petition schedule property is having a fair market value of ₹13,00,000/-. The intended sale is for the benefit and welfare of the minors. Hence the petitioners filed the above petition to get the petitioner No.3 appointed as the guardian of the property of the minors and to grant permission to sell the minors' share in the petition schedule property.

3. A public notice regarding the institution of the petition was ordered through publication in newspaper and by affixture. Even after the publication, nobody turned up to contest the matter and no objection was filed.

4. On the side of the petitioners, the petitioner No.3 was examined as PW1 and Exts.A1 to A5 were marked.

5. Heard the counsel for the petitioners and perused the documents and records and the points that arise for consideration are:

1. Whether the petitioner No.3 can be appointed as the guardian of the property of the minors and permitted to sell the share of minors in the petition schedule property?
2. If permitted what conditions to be imposed to protect the

interest of minors ?

6. **Point Nos. 1 and 2 :-** The petitioner No.3 is the mother of the minors and she was examined as PW1 and adduced evidence in tune with the averments in the petition. On the side of the petitioners, Exts.A1 to A5 were marked. Ext.A1 is the death certificate of the father of minors, Ext.A2 is the legal heirship certificate, Ext.A3 is the document No.999/2015 of SRO, Mala, Ext.A4 is the tax receipt and Ext.A5 is the fair value certificate.

7. According to PW1, she is the mother of the minors. Her husband died on 03/07/2022. According to her, the minors are under her protection and care. The petition schedule property originally belonged to Saneesh as per document No.999/2015 of SRO, Mala. After the death of Saneesh, his right over the property devolved on his parents, wife and minor children. Accordingly, the petitioner Nos.1 and 2 got 1/6 shares each, the petitioner No.3 got 1/8 share, the minor No.1, son got 2/3 share and the minor No.2, daughter got 1/3 share in the petition schedule property. Now the petitioner No.3 intends to sell the minors' share in the petition schedule property to meet the day-to-day affairs of the minors including educational expenses. The petitioner No.3 is facing difficulty in maintaining the petition schedule property as the property is situated 30 kilometres away from her residence. The petition schedule property is having a fair market value of ₹13,00,000/-. The intended sale is for the benefit and welfare of the minors. Hence, it is necessary to appoint her as the guardian of the property of the minors and to grant permission to sell the share of minors in the petition schedule property.

8. The evidence would show that the minors are now under the care and custody of the petitioner No.3. No material is there to show that the petitioner No.3 is having any personal interest adverse to that of the minors and to show that there are any other suitable persons other than the petitioner No.3 to be appointed as guardian of property of the minors. The petitioner No.3 is seeking sale of minors' share in the petition schedule properties. The evidence of PW1 would show that

PW1 has genuine interest in the welfare of the minors and hence the proposal for sale can be presumed to be for the educational purpose and other benefits and well-being of the minors. Considering the entire facts and circumstance of the case, this court is satisfied that the petitioner No.3 is the competent and eligible person to be appointed as the guardian of the property of the minors and if the property is sold and the share of minors is deposited as fixed deposit in a nationalized bank, it would be more advantageous to the minors and the petitioner No.3 can withdraw the interest accrued on the amount to meet educational and other needs of the minors. Hence, I am inclined to allow the petition subject to the following condition to safeguard the interest of the minors and for welfare of the minors.

In the result, the original petition is allowed as below:-

1. The petitioner No.3 is appointed as the guardian of the property of the minors named Ameen aged 11 years and Amreen aged 15 years.
2. The petitioner No.3 is granted permission to sell the share of minors in the petition schedule properties, but the sale consideration shall not be less than the fair value fixed by the Government.
3. On such sale materialising, the petitioner No.3 shall deposit share of the minors in a fixed deposit in a nationalised bank in the name of the aforementioned minors till they attain majority.
4. The petitioner No.3 is permitted to withdraw the interest on the deposit to meet the educational expenses and other needs of the minors.
5. The copy of the sale deed and the original fixed deposit receipt shall be produced before this court within one month of the sale and fixed deposit receipt will be kept in safe custody of the court till the minors attain majority.
6. The petitioner No.3 shall execute a bond of ₹50,000/- (Rupees fifty thousand only) within one month of the date

of receipt of the copy of this order undertaking to manage the property of minors and to keep the proper accounts and produce the same before this court as and when directed.

7. Any transaction in contravention of the above condition is not binding on the minors.

*(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, this the 10<sup>th</sup> day of April, 2026)*

Sd/-  
**Vinod Kumar N.**  
**Additional District Judge**  
**Irinjalakuda**

<u>APPENDIX</u>		
<u>PETITIONER'S EXHIBITS:-</u>		
A1	: 18/07/2022	Death Certificate of Saneesh
A2	: 09/12/2025	Legal Heirship Certificate
A3	: 14/05/2015	Copy of Theer Deed No.999/2015 of SRO, Mala
A4	: 21/08/2024	Tax Receipt
A5	: ---	Fair Value Certificate
RESPONDENT'S EXHIBITS:	: Nil	
<u>PETITIONER'S WITNESS:</u>		
PW1	: 06/04/2026	Vajitha.M. Ismail
RESPONDENT'S WITNESS:	: Nil	

Id/-  
**Vinod Kumar N.**  
**Additional District Judge**  
**Irinjalakuda**  
**By order**

**/True copy /**

**Sheristadar**