

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, IRINJALAKUDA
Present:- Sri. Reno Francis Xavier.T., Additional District Judge.
Friday, 5th June 2026/ 15th Jyeshtha, 1948

G.O.P. 250/2025

Petitioners:-

1. Smitha Baiju, aged 46 years, W/o.Late Baiju Antony, Pallippatt House, Kallettumkara P.O. & Village, Chalakudy Taluk, Thrissur, Pin 680 683.
2. Agansha Baiju, aged 24 years, D/o. Late Baiju Antony, Pallippatt House, Kallettumkara P.O. & Village, Chalakudy Taluk, Thrissur, Pin 680 683.
3. Annliya Baiju, aged 21 years, D/o. Late Baiju Antony, Pallippatt House, Kallettumkara P.O. & Village, Chalakudy Taluk, Thrissur, Pin 680 683.

By Advs. Abdul Shukkur.K.M. & Febin James

Minors:-

1. Antonio Baiju, aged 9 years, S/o.Late Baiju Antony, Pallippatt House, Kallettumkara P.O. & Village, Chalakudy Taluk, Thrissur, Pin 680 683.
2. Alessandra Baiju, aged 7 years, D/o.Late Baiju Antony, Pallippatt House, Kallettumkara P.O. & Village, Chalakudy Taluk, Thrissur, Pin 680 683.

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 10 of the Guardians and Wards Act, 1890 in the matter of minors namely Antonio Baiju aged 9 years and Alessandra Baiju aged 7 years to appoint the petitioner No.1 as the guardian of the persons 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 No.1 is the mother of the minors. Baiju Antony, the husband of the petitioner No.1 died intestate on 15/12/2024. The petitioner No.1 is the wife and the petitioner Nos.2 and 3 and the minors namely Antonio Baiju and Alessandra Baiju are the children of deceased Baiju. The petition schedule property originally belonged to Baiju. After the death of Baiju, the right over the property devolved upon the petitioners and minors. Accordingly, the minors got 1/6 shares each in the petition A and B schedule properties. The petitioners had decided to sell petition A and B schedule properties for ₹16,52,328/- and ₹18,876/- respectively. In order to meet the educational expenses of the minors, the petitioner No.1 intends to sell the minors' share for the welfare of the minors. Hence the petitioners filed the above petition to get the petitioner No.1 appointed as the guardian of the property of the minors and to grant permission to sell the minors' share in the petition A and B schedule properties.

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 petitioner, the petitioner was examined as PW1 and Exts.A1 to A8 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.1 can be appointed as the guardian of the property of the minors and permitted to sell the share of minors in the petition A and B schedule properties ?
2. If permitted what conditions to be imposed to protect the interest of minors?

6. **Point Nos. 1 and 2 :-** The petitioner No.1 is the mother of the minor and she was examined as PW1. She adduced evidence in tune with the averments in the petition. On the side of the petitioner,

Exts.A1 to A8 were marked. Ext.A1 is the copy of their deed No.1713/2019 of SRO, Kallettumkara, Ext.A2 is the copy of their deed No.1477/2024 of SRO, Kallettumkara, Ext.A3 is the valuation statement of petition A schedule building, Ext.A4 is the fair value certificate, Ext.A5 is the valuation certificate of petition B schedule building, Ext.A6 is the fair value certificate, Ext.A7 is the death certificate of the father of minors and Ext.A8 is the legal heirship certificate.

7. According to PW1, the minor is under her protection and care. Her husband, Baiju Antony, died on 15/12/2024. The petition schedule property originally belonged to Baiju Antony. After the death of Baiju Antony, the right over the property devolved upon the petitioners and minors. Accordingly, the minors got 1/6 shares each in the petition A and B schedule properties. The petitioners had decided to sell petition A and B schedule properties for ₹16,52,328/- and ₹18,876/- respectively. In order to meet the educational expenses of the minors, the petitioner No.1 intends to sell the minors' share for the welfare of the minors. Hence the petitioners filed the above petition to get the petitioner No.1 appointed as the guardian of the property of the minors and to grant permission to sell the minors' share in the petition schedule properties.

8. The evidence would show that the minors are now under the care and custody of the petitioner No.1. No material is there to show that the petitioner No.1 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.1 to be appointed as guardian of the person and property of the minors. The petitioner No.1 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.

9. The petitioner No.1 had already filed GOP 190/2025 and the said GOP was allowed vide order dated 31/01/2026 by which, the petitioner No.1 was appointed as the guardian of the property of the

minors named Antonio Baiju aged 9 years and Alessandra Baiju aged 7 years. Considering the entire facts and circumstance of the case, this court is of the opinion that GOP 250/2025 can be treated as Interlocutory Application and I am inclined to allow the petition.

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

1. The petitioner No.1 was appointed as the guardian of the property of the minors namely Antonio Baiju aged 9 years and Alessandra Baiju aged 7 years vide order in GOP 190/2025 dated 31/01/2026.
2. The petitioner No.1 is granted permission to sell the shares of minors in the petition schedule property, but the sale consideration shall not be less than the fair value fixed by the Government.
3. On such sale materialising, the petitioner No.1 shall deposit shares 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.1 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.1 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 5th day of June, 2026)

Sd/-

Reno Francis Xavier.T.
Additional District Judge
Irinjalakuda

<u>APPENDIX</u>		
<u>PETITIONER'S EXHIBITS:-</u>		
A1	: 03/08/2019	Certified copy of Theer Deed No.1713/2019 of Kallettumkara SRO
A2	: 06/08/2024	Certified copy of Theer Deed No.1477/2024 of Kallettumkara SRO
A3	: 10/07/2025	Valuation Statement
A4	: --	Fair Value Certificate
A5	: --	Valuation Certificate of petition B Schedule Building
A6	: 05/06/2025	Fair Value Certificate
A7	: 22/12/2024	Death Certificate of Baiju Antony from Karukutty Grama Panchayath
A8	: 28/03/2025	Legal Heirship Certificate
<u>RESPONDENT'S EXHIBITS:</u>	: Nil	
<u>PETITIONER'S WITNESS:</u>	:	
PW1	: 28/02/2026	Smitha Baiju
<u>RESPONDENT'S WITNESS:</u>	: Nil	

**Id/-
Reno Francis Xavier.T.
Additional District Judge
Irinjalakuda**

/True copy / By order

Sheristadar