

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

G.O.P. 373/2025

Petitioners:-

1. Alice, aged 78 years, W/o. Chittilappilly Thommana John, Thommana Desom, Kaduppassery P.O. & Village, Mukundapuram Taluk, Thrissur District, Pin 680 683.
2. T.J.Rose Jelly, aged 56 years, W/o. Punneliarambil Domini, Kombodinjamakkal Desom, Thazhekkad P.O. & Village, Chalakudy Taluk, Thrissur District, Pin 680 697.
3. Bindu, aged 53 years, W/o. Cherpanath Shaju, Parappuram Desom, Elinjipra Village & P.O., Chalakudy Taluk, Thrissur District, Pin 680 721.
4. Roy.C.George, aged 66 years, S/o. Chazhukkaran George, Irinjalakuda Desom, Irinjalakuda North P.O., Manavalassery Village, Mukundapuram Taluk, Thrissur District, Pin 680 125.
5. Tina Vijay, aged 34 years, W/o. Chungath Vijay Thomas, Edakkunni Village & Desom, Ollur P.O., Thrissur Taluk & District, Pin 680 306.
6. Abi Joseph, aged 40 years, S/o. Plathottathil Joseph, Kallettumkara Desom & P.O., Thazhekkad Village, Chalakudy Taluk, Thrissur District, Pin 680 683.

By Advs. I.A. Muhammed Ourangaseeb & Joy.T.I.

Minors:-

1. Allan George Abi, aged 10 years, S/o. Plathottathil Abi Joseph, Kallettumkara Desom & P.O., Thazhekkad Village, Chalakudy Taluk, Thrissur District, Pin 680 683.
(DOB: 25.07.2015)
2. Chris Raphael Abi, aged 4 years, S/o. Plathottathil Abi Joseph, Kallettumkara Desom & P.O., Thazhekkad Village, Chalakudy Taluk, Thrissur District, Pin 680 683.
(DOB: 05.06.2021)

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 and 10 of the Guardians and Wards Act, 1890 in the matter of minors named Allan George Abi aged 10 years and Chris Raphael Abi, aged 4 years to appoint the petitioner No.6 as the guardian of the person and property of minors and to permit him to sell the minors' share in the petition schedule property.

2. The case of the petitioners in brief is as follows : - The petitioner No.6 is the father of the minors. According to the petitioner No.6, the minors are under his protection and care. Thasha, the wife of the petitioner No.6 died on 20/06/2021. The petition schedule property originally belonged to John, the grandfather of the wife of petitioner No.6, as per document No.379/1982 of SRO, Kallettumkara. After the death of John, his right over the property devolved on the petitioner Nos.1 to 6 and minor children. Accordingly, the petitioner No.1 got 27/81 share, petitioner Nos.2 and 3 got 18/81 shares, petitioner Nos.4 and 5 got 6/81 shares, petitioner No.6 and minor children got 2/81 shares each in the petition schedule property. Now the petitioner No.6 intends to sell the minors' share in the petition schedule property to meet the day-to-day affairs of the minors including educational expenses. They had already entered into an agreement with Domenic for a fair market value of ₹13,87,000/- for the sale of petition schedule property. The intended sale is for the benefit and welfare of the minors. Hence the petitioners filed the above petition to get the petitioner No.6 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 petitioner, the petitioner No.6 was examined as PW1 and Exts.A1 to A11 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.6 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.6 is the father of the minors and he was examined as PW1 and adduced evidence in tune with the averments in the petition. On the side of the petitioners, Exts.A1 to A11 were marked. Ext.A1 is the family membership certificate, Ext.A2 is the birth certificate of minor No.2, Ext.A3 is the birth certificate of minor No.1, Ext.A4 is the death certificate of mother of minors, Ext.A5 is the family membership certificate, Ext.A6 is the death certificate of Gladys Roy, Ext.A7 is the family membership certificate, Ext.A8 is the death certificate of John T.P, Ext.A9 is the copy of document No.379/82 of SRO, Kallettumkara, Ext.A10 is the fair value certificate and Ext.A11 is the sale agreement.

7. According to PW1, he is the father of the minors. His wife died on 20/06/2021. According to him, the minors are under his protection and care. The petition schedule property originally belonged to John, the grandfather of the wife of the petitioner No.6 as per document No.379/1982 of SRO, Kallettumkara. After the death of John, his right over the property devolved on the petitioners and minor children. Accordingly, the petitioner No.1 got 27/81 share, petitioner Nos.2 and 3 got 18/81 shares, petitioner Nos.4 and 5 got 6/81 shares, petitioner No.6 and minor children got 2/81 shares each in the petition schedule property. Now the petitioner No.6 intends to sell the minors' share in the petition schedule property to meet the day-to-day affairs of the minors

including educational expenses. They had already entered into an agreement with Domenic for a fair market value of ₹13,87,000/- for the sale of petition schedule property. The intended sale is for the benefit and welfare of the minors. Hence, it is necessary to appoint him 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.6. No material is there to show that the petitioner No.6 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.6 to be appointed as guardian of the person and property of the minors. The petitioner No.6 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.6 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.6 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.6 is appointed as the guardian of the property of the minors named Allan George Abi aged 10 years and Chris Raphael Abi, aged 4 years.
2. The petitioner No.6 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 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.6 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.6 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 10th day of April, 2026)

Sd/-
Vinod Kumar N.
Additional District Judge
Irinjalakuda

<u>APPENDIX</u>			
<u>PETITIONER'S</u> <u>EXHIBITS:-</u>			
A1	:	19/03/2025	Copy of Family Membership Certificate

A2	:	22/06/2021	Copy of Birth Certificate of Chris Raphael Abi
A3	:	12/08/2024	Copy of Birth Certificate of Allan George Abi
A4	:	22/06/2021	Copy of Death Certificate of Thazha Chazhukkaran Roy
A5	:	21/03/2025	Family Membership Certificate
A6	:	13/11/2025	Copy of Death Certificate of Gladly Roy
A7	:	15/03/2025	Copy of Family Membership Certificate
A8	:	18/08/2006	Copy of Death Certificate of John.T.P.
A9	:	18/02/1982	Copy of Partition Deed No.379/82 of Kallettumkara SRO
A10	:	--	Copy of Fair Value Certificate
A11	:	11/04/2025	Sale Agreement
RESPONDENT'S EXHIBITS:	:	Nil	
<u>PETITIONER'S WITNESS:</u>	:		
PW1	:	06/04/2026	Abi Joseph Varkey
RESPONDENT'S WITNESS:	:	Nil	

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

/True copy /

By order

Sheristadar

Copied by:Baby C F
Compared by:Ansar V H