

IN THE COURT OF THE DISTRICT JUDGE, KALPETTA, WAYANAD

Present : Sri.Ayyoobkhan E., District Judge, Kalpetta

Thursday, this the 26th day of March, 2026

05th day of Chaithra, 1948

ORIGINAL PETITION (GUARDIAN & WARDS) No. 38/2025

In the matter of Minors (1) Naja Fathima P.M., Aged 16 years, D/o. Late Muneer P.M., (2) Muhammed Bilal P.M., Aged 10 years, S/o. Late Muneer P.M., (3) Muhammed Nabeel P.M., Aged 6 years, D/o. Late Muneer P.M.

Noorjahan K., Aged 40 years, W/o Late Muneer P.M.,
Puthoor House, Chennalode Post, Thariyode Village, Vythiri
Taluk, Wayanad District, Kerala, Pin-673 122.

} Petitioner

Vs.

1. Fathima, Aged 80 years, W/o.Mammu, C/o.Anas P.M.,
Puthoor House, Vyppadi, Arembattakkunnu Post, Kottathara
Village, Vythiri Taluk, Wayanad District -673 575.
2. Anas P.M., S/o.Mammu, Puthoor House, Vyppadi,
Arembattakkunnu Post, Kottathara Village, Vythiri Taluk,
Wayanad District -673 575.

} Respondents

This Original Petition (G&W) is coming on this day for hearing before me in the presence of Sri.P.K.Dinesh Kumar, Advocate for the petitioner and Sri.Kader Minhaj, Advocate for the respondents and upon perusing the petition, the court passed the following:

ORDER

This is a petition filed u/ss. 7 and 29 (a) of the Guardian and Wards Act for appointing the petitioner, Noorjahan.K., W/o. Late Muneer. P.M., the mother of the minors named (1) Naja Fathima.P.M., aged 16 years, (2) Muhammad Bilal.P.M., aged 10 years and (3) Muhammad Nabeel.P.M., aged 6 years. The prayer is for issuance of a guardianship certificate to enable the petitioner to represent the minors in respect of their share in the GPF closure amount assessed by the Principal Accountant General (A&E), Kerala, Thiruvananthapuram, and to request transfer of the said amount towards the housing loan account of Late

Muneer P.M. in the Education Department.

2. Petitioner's case in short is as follows:- The petitioner is the mother of minor wards. Late Muneer. P.M., the husband of the petitioner, is the father of the minor wards. Respondent Nos. 1 and 2 are respectively the paternal grandmother and paternal uncle of the minor wards. The minors (1) Naja Fathima.P.M., aged 16 years, (2) Muhammad Bilal.P.M., aged 10 years and (3) Muhammad Nabeel.P.M., aged 6 years are the children born in the wedlock of said Muneer.P.M and the petitioner. The husband of the petitioner, late Sri. Muneer P.M., who is the father of the minor wards, expired on 04.01.2023. He is survived by his minor children, his wife (the petitioner herein), and the 1st respondent, who are his legal heirs.

3. Late Sri. Muneer P.M., the father of the minor wards, was working as Higher Secondary School Teacher (HST) at Government Higher Secondary School, Thariyode. He had availed a housing loan from the Department of Education. At the time of his demise, a sum of ₹9,05,064/- was outstanding towards the said loan. Out of this liability, an amount of ₹5,00,000/- was waived by the department vide order dated 28.10.2024. The balance amount payable to the Department of Education stands at ₹4,05,064/-.

4. In the process of the online GPF closure application, the final amount assessed as payable to the legal heirs of late Sri Muneer P.M. was ₹3,97,877/-. This sum is due and payable to the legal heirs, including the minors, the petitioner, and the 1st respondent. If the said amount is directed to be adjusted towards the outstanding housing loan without delay, it would substantially benefit the minors by reducing the liability and preventing further accrual of interest. Both the petitioner and respondent No.1 have expressed their willingness to utilize their respective shares for clearance of the loan dues. In these circumstances, since the office of the Principal Accountant General (A&E), Kerala, has insisted upon production of a guardianship certificate to

effect such departmental fund transfers, it is just and necessary to appoint the petitioner as guardian of the minors and of their share in the GPF account, so as to enable her to give consent and request the department to transfer the amount from the GPF closure account towards the housing loan liability. The minor wards are presently under the care and protection of the petitioner as well as the respondents. The interest of the petitioner and the respondents, in relation to the welfare of the minors and their assets, is not adverse to the rights or well-being of the minors. No guardian has been appointed by this Court or any other Court with respect to the person and property of the minor child. No application is also filed or pending before any Court in this regard.

5. Notice was served on respondents and the near relatives. Affixture was taken in accordance with law. Paper publication was effected and it was produced before the court. No statement filed on the side of respondents.

6. On the side of petitioner, PW1 was examined and Exts. A1 to A10 were marked. No documents were marked on the side of respondents.

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

8. Now the points for consideration are :-

- 1) Whether the petitioner is entitled to be appointed as guardian of the persons and property of minors (1) Naja Fathima.P.M., aged 16 years, (2) Muhammad Bilal.P.M., aged 10 years and (3) Muhammad Nabeel.P.M., aged 6 years ?
- 2) Whether issuance of a guardianship certificate is necessary for enabling transfer of the minors' share in the GPF closure amount towards the housing loan liability of Late Muneer P.M?
- 3) Reliefs and costs ?

9. **Point Nos. 1 to 3:-** For the sake of convenience and brevity of the case, these points are considered together. Petitioner filed proof affidavit

reiterating the averments in the petition and she has examined as PW1 and Exts.A1 to A10 were marked on the side of the petitioner. PW1, the mother of the minors, who has no adverse interest in any manner.

10. Ext.A1 is the Death Certificate of late Muneer P.M., the father of the minors, which records his date of death as 04.01.2023. Ext.A2 is the Legal Heirship Certificate of Late Muneer P.M., evidencing that the petitioner, the minors, and respondent No.1 are his legal heirs. Ext.A3 is the Birth Certificate of Naja Fathima P.M., showing her date of birth as 25.10.2009. Ext.A4 is the Birth Certificate of Muhammad Bilal P.M., showing his date of birth as 16.10.2014. Ext.A5 is the Birth Certificate of Muhammad Nabeel P.M., showing his date of birth as 15.09.2018. Ext.A6 is the letter issued by the Office of the Principal Accountant General (A&E), Kerala, Thiruvananthapuram, regarding the GPF closure of Late Muneer P.M., Ext.A7 is Government Order No.7691/2024/GEDN dated 28.10.2024, which directs the Director of Education to recover an amount of ₹4,05,064/-, being the balance due towards the housing loan availed by late Muneer P.M., after deduction of interest, from the DCRG or other assets of the deceased. Exts.A8,A9 and A10 are the copy of Aadhar cards of the minors.

11. Here, the petitioner seeks an order to transfer the GPF Closure amount due and payable to the legal heirs of late Muneer P.M. towards the housing loan account availed by him from Education Department. Ext.A2 is the Legal Heirship Certificate produced by the petitioner shows that the petitioner, the minors, and respondent No.1 are his legal heirs. Ext.A7 shows that the Director of Education was directed to recover an amount of ₹4,05,064/-, being the balance due towards the housing loan availed by Late Muneer P.M., after deduction of the waiver granted, from the DCRG or other available assets of the deceased. Ext. A6 shows that the petitioner requires the necessity of the Guardianship Certificate to receive the DCRG payable to the minors.

12. In the light of the evidence tendered by PW1 herein above referred coupled with Exts.A1, A2, A6 and Ext.A7, it is established that the petitioner is having no adverse interest against that of the minor wards and her intention is for the well being of the minor wards and to protect their interest, being the natural guardian of the minor wards. In these circumstances, upon analysing the evidence referred to above, I am of the considered view that it is just and proper to appoint the petitioner (PW1) as guardian of the persons and property of the minor wards, and that a Guardianship Certificate be issued to her authorizing representation of the minors in respect of their share in the GPF closure amount and to request transfer of the said amount towards the housing loan account of Late Muneer P.M. in the Education Department.

In the result, petition is allowed as follows:

1. Petitioner, **Noorjahan K.**, is hereby appointed as guardian of the persons and property of the minor wards: Naja Fathima P.M. (aged 16 years), Muhammad Bilal P.M. (aged 10 years), Muhammad Nabeel P.M. (aged 6 years).
2. A Guardianship Certificate shall be issued to the petitioner authorizing her to represent the minors in respect of their share in the GPF closure amount and to request transfer of the said amount towards the housing loan account of Late Muneer P.M. in the Education Department.

Issue certificate only after execution of the bond as above stated.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open Court, on this, the 26th day of March, 2026.)

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Appendix:

Petitioner's Witness:

PW1 - 18.03.2026 Noorjahan K.

Petitioner's Exhibits:

- A1 - 19.01.2023 Death Certificate of Muneer P.M.
- A2 - 06.04.2023 Copy of Legal Heirship Certificate of Muneer P.M.
- A3- 08.11.2024 Birth Certificate of Minor Naja Fathima P.M.
- A4 - 08.11.2024 Birth Certificate of Minor Muhammed Bilal P.M.
- A5 - 08.11.2024 Birth Certificate of Minor Muhammed Nabeel P.M.
- A6 - 06.11.2023 Attested copy of letter from office of the Principal Accountant General (A&E) Kerala to the Under Secretary, General Administration (Account) Department, Thiruvananthapuram.
- A7- 28.10.2024 Attested copy of Order No.7691/24/GEDN, Dated 28.10.2024 from Public Educational Department(u) Govt. of Kerala.
- A8- - Copy of Aadhar Card of Minor Naja Fathima P.M.
- A9- - Copy of Aadhar Card of Minor Muhammed Bilal P.M.
- A10- - Copy of Aadhar Card of Minor Muhammed Nabeel P.M.

Respondents' Witnessess and Exhibits:- Nil

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