

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THANJAVUR.

PRESENT: **Thiru. P. Velmurugan, B.A., B.L.,**  
Principal District Judge, Thanjavur.

Thursday, the 9<sup>th</sup> day of April, 2026  
(Thiruvalluvarandu 2057 Sri Visuwavasu Varudam Panguni Thingal 26<sup>th</sup> day)

**Guardian and Wards Original Petition No. 17/2026**  
**CNR No. TNTJ01 000510 2026**

(In the matter of granting permission to the petitioner/mother to mortgage the 1/4th undivided share of the minor child, Andriya, aged 9 years, in the petition-mentioned property with any nationalised bank, for the interest and welfare of the minor child.)

Mrs.Shobha	...	Petitioner
	Versus	
None	...	Respondent

This Guardian and Wards Original Petition was taken up before this Court for final hearing on 25.03.2026 in the presence of Mrs.S.Thenmozhi, Learned Advocate appearing for the petitioner, and upon hearing the arguments on the side of the petitioner and upon perusing the oral and documentary evidence adduced on the side of the petitioner and having stood over for consideration till date, this Court passed the following ...

**O R D E R**

1) This Guardian and Wards Original Petition has been filed by the petitioner under Sections 8, 10, and 29 of the Guardians and Wards Act, 1890, praying to permit the petitioner, being the mother and natural guardian of the minor child,

Andriya, aged 9 years, to mortgage the 1/4th undivided share of the said minor in the petition-mentioned property with any nationalised bank, for the benefit and welfare of the minor.

2) **Brief averments of the Petition are as follows:**

The properties described in the petition originally belonged to the petitioner's husband, late S.Inbaraj. The 1st and 2nd items of the petition mentioned properties were obtained by him under a Registered Settlement Deed dated 12.11.2021, bearing Document No.2371/2021, executed by his brother Mr. Amalraj, on the file of the Sub Registrar, Needamangalam. The 3rd to 5th items of the petition mentioned properties were obtained by him under a Registered Partition Release Deed dated 28.06.2022, bearing Document No.1476/2022, executed by his co-sharers namely Dhanamary, Pramila, Prabhakaran and Amalraj, on the file of the same Sub Registrar Office, Needamangalam. The said Inbaraj was in absolute possession and enjoyment of the properties till his lifetime. He died intestate on 14.09.2023, leaving behind the petitioner (wife), his son Alwin Leo, minor daughter Andriya and his mother Dhanamary as his legal heirs. Consequent to his demise, all of them became entitled to their respective undivided shares in the petition mentioned properties. Subsequently, the petitioner's son Alwin Leo and mother-in-law Dhanamary executed a Registered Release Deed dated 30.05.2025, bearing Document No.1157/2025, in favour of the petitioner, whereby their respective

shares were relinquished in her favour. Then the minor having undivided share in the petition mentioned properties along with the petitioner.

3) The petitioner, being the natural guardian of the minor, is managing the family and the properties. Due to lack of sufficient and regular income, she is facing financial hardship in maintaining the family and meeting essential expenses. In order to meet such family necessities, all the family members including the petitioner intend to mortgage the petition mentioned properties and raise loan from a Nationalized Bank or a Private Bank. However, since the minor Andriya has an undivided share in the properties, the financial institutions have insisted the petitioner to produce the court order to mortgage the undivided share of Minor Andriya. The petitioner is of the considered view that such mortgage is necessary and would be beneficial for the welfare of the minor, as the loan amount would be utilized only for family necessities and the interest of the minor. The petitioner further undertakes to safeguard the minor's interest and to repay the loan regularly. It is, therefore, prayed to grant permission to mortgage the minor's undivided share in the petition mentioned properties for the paramount interest of the minor.

4) General notice was affixed in the public place. Paper Publication was effected. No objection has been filed by anybody.

5) To prove the case of the petitioner, the petitioner examined herself as PW1 and eight documents viz. certified copy of registered settlement deed executed by Amalraj in favour of Inbaraj, certified copy of partition release deed from Dhanamary, Parimala, Prabhakaran and Amalraj written to Inbaraj, online copy of

Inbaraj Death Certificate, online copy of Inbaraj Legal heir Certificate, certified copy of partition release deed from Alvin Leo and Dhanamary in favour of the petitioner, xerox copy of birth certificate of minor, xerox copy of Aadhaar cards of petitioner and minor, were marked as Ex.P1 – Ex.P8 respectively

6) **Point that arises for determination in this guardian and wards original petition, is that:** *Whether the petition is allowed as prayed for ?*

7) On the pleadings and submissions made on the side of the petitioner, as well as the oral and documentary evidence adduced, this Court finds that the petition mentioned properties originally belonged to the petitioner's husband, late S. Inbaraj, who acquired the same under registered deeds and was in possession and enjoyment thereof during his lifetime. The certified copies of the Settlement Deed and Partition Release Deed were marked as Ex.P1 and Ex.P2.

8) It is further revealed that the petitioner's husband, Inbaraj, died intestate on 14.09.2023, leaving behind the petitioner, her son, minor daughter Andriya, and mother-in-law as his legal heirs, who thereby became entitled to their respective undivided shares. The online copies of the Death Certificate and Legal Heir Certificate were marked as Ex.P3 and Ex.P4. Subsequently, the petitioner's son and mother-in-law relinquished their shares in favour of the petitioner by a Registered Release Deed, and the certified copy of the same was marked as Ex.P5. Thus, the minor Andriya and the petitioner are entitled to the undivided shares in the petition-mentioned properties.

9) It is further revealed that the petitioner, being the natural guardian of the minor, is managing the family and the properties. Due to financial constraints and lack of sufficient income, she intends to mortgage the petition-mentioned properties to raise a loan from any nationalised bank or private bank to meet family necessities. Since the minor has an undivided share in the properties, the financial institution has insisted the petitioner to obtain a court order for such mortgage. The petitioner has also undertaken to safeguard the interest of the minor and to repay the loan regularly.

10) From the pleadings and materials on record, this Court is satisfied that it is necessary for the petitioner to mortgage the undivided share of the minor in the petition mentioned properties with any nationalised bank for the paramount consideration of the interest and welfare of the minor. There are no objections to allow this petition. In such circumstances, this Court is inclined to grant permission to the petitioner to mortgage the undivided share of the minor Andriya, aged 10 years, in the petition-mentioned properties with any nationalised bank for meeting the needs of the family and for the interest and welfare of the minor. Thus, the point is answered accordingly.

11) In the result, this Guardian and Wards Original Petition is allowed, permitting the petitioner/mother to mortgage the undivided share of the minor Andriya, aged 10 years, in the petition mentioned properties with any nationalised bank, for meeting the needs of the family and for the interest and welfare of the minor. The petitioner is

directed to submit a report before this Court regarding the details of the mortgage after completion of the process.

This Order is dictated to the Stenographer Grade – I of this Court, typed by her on computer directly, corrected and pronounced by me in the open Court, on this 9<sup>th</sup> day of April, 2026.

Principal District Judge,  
Thanjavur.

Witness examined on the side of the Petitioner:

1            PW1        I.Shobha, W/o. Inbaraj.

Documents marked on the side of the Petitioner:

Ex.P1	12.11.2021	Certified Copy of Registered Settlement Deed executed by Mr.S.Amalraj in favour of his brother S.Inbaraj.
Ex. P2	28.06.2022	Certified Copy of Registered Partition Release Deed executed by Dhanamary, Parimala, Prabhakaran and Amalraj in favour of S.Inbaraj.
Ex. P3	22.09.2023	Online Copy of Death certificate of the minors' father, Inbaraj died on 14.09.2023.
Ex. P4	22.11.2023	Online Copy of Legal Heir Certificate of the minors' father, Inbaraj.
Ex. P5	30.05.2025	Certified copy of Registered Partition Release Deed executed by Alvin Leo and Dhanamary in favour of the petitioner I.Shobha.
Ex. P6	06.07.2016	Xerox Copy of Birth Certificate of the minor Andriya, born on 26.09.2015. (Compared with original)
Ex. P7	--	Xerox copy of Aadhar Card of the Petitioner. (compared with original)

Ex.P8 -- Xerox copy of Aadhar Card of the minor Andriya.(compared with original)

Principal District Judge,  
Thanjavur.

Draft / Fair Order in  
GWOP No. 17/2026  
PDJ Court, Thanjavur.  
Dated: 09.04.2026.