

TNTP010058402025



**IN THE COURT OF THE II ADDITIONAL DISTRICT AND SESSIONS
COURT, TIRUCHIRAPPALLI**

Present: Thiru. S. Gopinathan, B.Sc., B.L.,
II Additional District Judge,
Tiruchirappalli.

Thursday, the 23rd day of July, 2026

G.W.O.P. No. 294/2025
(CNR No. TNTP01-005840-2025)

1. T. Shabeena Begum

2. Najumunisha

3. J. Bowziabegum

... Petitioners

// Vs //

Nil

... Respondent

This Petition came up for enquiry before me on 23.07.2026. Thiru. K. Raghupathi, learned counsel for the petitioners, appeared on behalf of the petitioners. There being no respondent in the petition, upon perusal of the petition and the documents filed therewith, and after hearing the submissions of the learned counsel for the petitioners, and upon consideration of the entire materials available on record, this Court delivers the following:

ORDER

This petition has been filed by the petitioners under Sections 7, 10 and 29 of the *Guardian and Wards Act, 1890*, seeking permission to sell the petition schedule property. The first petitioner has also sought her appointment as the guardian of her minor daughter, T. Afilah Rahaath, and her minor son, T. Mohamed Fawaz, for the limited purpose of executing the sale of the minors' undivided share in the petition property on their behalf.

2. Gist of the Petition

2.1) The petition schedule property, comprising a house site measuring 1,440 square feet, was purchased under a Sale Deed dated 24.02.2010, executed by Thiru. K. Ravikumar, the General Power of Attorney Holder of Thiru. N. Muthukumar, in favour of H. Thameem Rahman, the husband of the first petitioner, and J. Bowziabegum, the third petitioner. Accordingly, the property came to be jointly owned by them.

2.2) The third petitioner, J. Bowziabegum, is the wife of Jafarullah, who is the brother of H. Thameem Rahman, the husband of the first petitioner. After the purchase, H. Thameem Rahman and the third petitioner jointly enjoyed the petition property without effecting any partition. Out of the total extent of 1,440 square feet, each was entitled to an undivided one-half share measuring 720 square feet.

2.3) H. Thameem Rahman died intestate on 01.09.2024, without making any arrangement or testamentary disposition in respect of his undivided share in the petition property. He was survived by his wife, the first petitioner Shabeena Begum, his mother, the second petitioner, and his minor children, namely T.

Afila Rahath and T. Mohamed Fawaz, who succeeded to his estate as his legal heirs.

2.4) Since the minors have acquired an undivided interest in the petition property, their share cannot be validly alienated without obtaining the permission of the competent Court. The petitioners submit that the proposed sale of the petition property is necessary and is in the best interests and welfare of the minor children. They therefore seek the appointment of a fit and proper person as guardian of the property of the minors for the limited purpose of executing the sale deed in respect of the minors' undivided share, receiving the sale consideration attributable to the minors' share, and depositing the same in a nationalised bank in the names of the minors until they attain majority. Hence, the present petition has been filed under Sections 7(1) and 29 of the *Guardian and Wards Act, 1890*, seeking the appointment of a guardian and permission to sell the minors' undivided share in the petition schedule property.

3) There is no respondent in this petition.

4) On behalf of the petitioners, the first petitioner was examined as P.W.1 and the third petitioner was examined as P.W.2. Documents marked as Ex.P1 to P12 were received in evidence.

5) The point that arises for consideration in this petition is: Whether the petitioners are entitled to the relief sought for?

6. The learned counsel for the petitioners was heard. The oral and documentary evidence available on record was carefully perused. The present petition has been filed seeking the appointment of the first petitioner as the guardian of her minor daughter, T. Afila Rahath, and her minor son, T. Mohamed Fawaz, and for permission to sell the minors' undivided interest in the petition schedule property.

7. P.W.1, the first petitioner, deposed that the petition schedule property was purchased on 24.02.2010 by her deceased husband, H. Thameem Rahman, and the third petitioner from K. Ravikumar, the General Power of Attorney Holder of N. Muthukumar. She further deposed that her husband, H. Thameem Rahman, died intestate on 01.09.2024, leaving behind the first petitioner, his mother (the second petitioner), and his minor children, namely T. Afila Rahath and T. Mohamed Fawaz, as his legal heirs. She further stated that the proposed sale of the petition property has become necessary to meet the future needs and welfare of the minor children.

8. P.W.2, the third petitioner, deposed that she and the deceased H. Thameem Rahman, the husband of the first petitioner, had jointly purchased the petition schedule property on 24.02.2010 and had been in joint enjoyment of the property measuring 1,440 square feet, without effecting any partition. She further stated that, following the death of H. Thameem Rahman, permission of this Court has become necessary to sell the petition schedule property, as the minor children have acquired an undivided share therein.

9. From the oral and documentary evidence on record, it is evident that out of the total extent of 1,440 square feet, an undivided extent of 720 square feet belonged to the branch of the deceased H. Thameem Rahman, while the remaining 720 square feet belongs to the third petitioner. The undivided share of the deceased devolved upon the first petitioner, the second petitioner (his mother), and the two minor children in accordance with the applicable law of succession. Consequently, the minor children have acquired an undivided interest in the petition schedule property. Since the property has not been partitioned by metes and bounds and the co-owners have decided to sell the property as a whole, it would not be feasible to exclude only the undivided share

of the minors from the proposed sale. Hence, the present petition has been filed seeking permission to sell the minors' undivided share in the petition schedule property.

10. Upon a careful consideration of the pleadings, the oral evidence of P.Ws.1 and 2, and the documentary evidence marked as Exs.P1 to P12, this Court is satisfied that the petition has been filed bona fide and that the proposed transaction is not adverse to the interests of the minor children. On the contrary, the materials on record clearly establish that the proposed sale is intended to safeguard the welfare, future interests, and property rights of the minors. The sale consideration attributable to the minors' share is proposed to be secured by depositing the same in a nationalised bank in their names until they attain majority. Further, there being no respondent or contesting party to oppose the relief sought, the evidence adduced by the petitioners remains uncontroverted.

Finally,

(i) The petition is allowed. The first petitioner, T. Shabeena Begum, is hereby appointed as the guardian of her minor daughter, T. Afila Rahaath, and her minor son, T. Mohamed Fawaz, under the provisions of the *Guardian and Wards Act, 1890*. In her capacity as guardian, she is authorised to sign all necessary applications, declarations, undertakings, and other documents on behalf of the minors before schools, colleges, educational institutions, Government departments, statutory authorities, banks, and other public or private institutions, whenever such acts are necessary for the education, welfare, maintenance, development, and overall best interests of the minors. The first petitioner is further permitted to undertake all lawful acts required for the welfare, education, and advancement of the minor children.

ii) Insofar as the minors' undivided share in the petition schedule property is concerned, the guardian shall not deal with or utilise the minors' share in any manner adverse to their interests. In the event the petition schedule property is sold, the sale consideration attributable to the minors' share shall be deposited before this Court. Upon such deposit, this Court shall issue appropriate directions for investing the minors' share in a Fixed Deposit with a Nationalised Bank in the names of the minors, to remain invested until they attain majority or until further orders of this Court. Any defect in title, encumbrance, or other infirmity affecting the petition schedule property shall not prejudice or adversely affect the legal rights and interests of the minor children.

iii) The first petitioner shall keep this Court informed of every material step taken concerning the property belonging to the minors. It shall be mandatory for the guardian to seek appropriate orders of this Court wherever required under law in respect of the management, transfer, or disposal of the minors' property. If the guardian acts in any manner prejudicial to the life, person, property, or legal interests of the minor children, such acts shall not bind the minors or affect their proprietary rights, and they shall be subject to appropriate orders in accordance with law. Accordingly, this Petition is allowed. If the petitioners had, prior to filing the present petition before this Court, created any encumbrance, charge, alienation, or any other third-party interest over the petition schedule property, this order shall operate only to the extent of safeguarding the rights and interests of the minor children in their share of the property. In all other respects, such prior transaction(s), if any, shall not derive validity or legal sanction by virtue of this order and shall be governed by the applicable provisions of law.

Directly dictated to the Stenographer in open court, typed by him, corrected and pronounced by me in open court, this the 23rd day of July 2026.

II Additional District Judge
Tiruchirappalli
Date: 23.07.2026

Witnesses Examined on the Side of the Petitioners:-

P.W.1 T. Shabeena Begum
P.W.2 J. Bowziabegum

Documents Marked on the Side of the Petitioners:-

Exhibit	Date	Description
Ex.P1	24.02.2010	Certified copy of the Sale Deed executed by K. Ravikumar, General Power of Attorney Holder of N. Muthukumar, in favour of the deceased H. Thameem Rahman (husband of the first petitioner) and J. Bowziabegum
Ex.P2	25.02.2025	Death Certificate evidencing that H. Thameem Rahman died on 01.09.2024.
Ex.P3	22.03.2025	Original Legal Heirship Certificate of the deceased H. Thameem Rahman.
Ex.P4	18.12.2008	Original Birth Certificate of T. Afila Rahaath.
Ex.P5	03.03.2011	Original Birth Certificate of T. Mohamed Fawaz.
Ex.P6	—	Copy of the Aadhaar Card of the first petitioner.
Ex.P7	—	Copy of the Aadhaar Card of minor T. Afila Rahaath.
Ex.P8	—	Copy of the Aadhaar Card of minor T. Mohamed Fawaz.

Ex.P9	—	Copy of the Aadhaar Card of the second petitioner.
Ex.P10	—	Copy of the Aadhaar Card of the third petitioner.
Ex.P11	06.09.2025	Original Encumbrance Certificate relating to the petition schedule property for the period from 01.01.2010 to 03.09.2025.
Ex.P12	14.02.2026	Computer-generated copy of the Government Guideline Value of the petition schedule property dated 14.02.2026.

Witnesses and Documents on the Side of the Respondent:-

Nil.

II Additional District Judge
Tiruchirappalli
Date: 23.07.2026