

IN THE COURT OF SH. SIDHARH MATHUR,
DISTRICT JUDGE-1 (NORTH), ROHINI COURTS, DELHI.



GP-3/2026

CNR No. : DLNT010023712026

Kanchan Khattar

W/o late Sh. Neeraj Khattar

R/o H. No. 199, Block – 2,

Subhash Nagar, Delhi – 110027.

..... Petitioner

Versus

1. The State of NCT of Delhi.

Through Chief Secretary

I.P. Estate, New Delhi.

..... Respondents

<i>Date of institution</i>	:	<i>25.02.2026</i>
<i>Date of Arguments</i>	:	<i>01.07.2026</i>
<i>Date of Decision</i>	:	<i>01.07.2026</i>

PETITION U/S 7 & 10 OF THE GUARDIAN AND WARDS ACT, 1890 FOR APPOINTMENT OF GUARDIAN AS WELL AS FOR PERMISSION TO SALE THE PROPERTY OF MINOR NAMELY REYANSH KHATTAR

JUDGMENT

1. The brief facts of the case are that the petitioner is the mother of the minor child “Reyansh Khattar”. The

petitioner alongwith her husband Neeraj Khattar were the joint owners of the suit property Plot No. 772, Block B, Pkt – 03, Sector – 29, area measuring 60 sq. meter, Rohini, Delhi, as per Conveyance Deed Ex.PW1/5. The husband Neeraj Khattar passed away on 04.08.2023 leaving behind the petitioner and two sons namely Vansh Khattar (aged 21 years) and minor Reyansh Khattar (aged 15 years). The relevant SMC in that regard is Ex.PW1/3. The petitioner is a single mother looking after both her children and needs money for their upbringing and needs. She has thus filed this petition for being appointed as the guardian of the person and estate of her minor child, namely Reyansh Khattar and for permission to sell the share of this minor child.

2. Notice of this petition was served upon the State/Respondent as well as general public and publication was made in the daily English newspaper, namely, 'The Statesman' dated 30.03.2026 as well as daily Hindi newspaper, namely, 'Virat Vaibhav' dated 28.03.2026. Despite publication in the newspapers and notice to the general public at large, no one has come forward to make any objection in respect of the prayers made by the petitioner in the present petition.

3. Notice was also issued to the concerned SDM to file valuation report of the aforesaid property. The total valuation of the entire suit property is Rs. 42,04,800/-. The minor child Reyansh Khattar is entitled to 1/6th share in the suit property after the death of his father. So the corresponding valuation of his 1/6th share would come around to Rs. 7,00,800/-.

4. At request on behalf of the petitioner, the Court

Commissioner was appointed on 04.06.2026 for recording testimony of the petitioner. She thus in order to prove her case herself entered into witness box as PW-1 and tendered her evidence by way of affidavit i.e. Ex.PW1/A, bearing her signatures at points A and B and she has also relied upon the following documents :-

- i. **Aadhar Card of petitioner, Aadhar Card of Reyansh Khattar and SMC i.e. Ex.PW1/1 to Ex.PW1/3 respectively)(OSR);**
- ii. **Death Certificate of late Sh. Neeraj Khattar i.e. father of minor i.e. Ex.PW1/4(OSR);**
- iii. **Death Certificate of late Smt. Chander Prabha Khattar i.e. Mark-A;**
- iv. **Copy of Conveyance Deed i.e. Ex.PW1/5(OSR);**
- v. **Copy of declaration i.e. Ex.PW1/6.**

5. I have gone through the records and have heard the arguments advanced by Ld. Counsel for petitioner.

6. **Section 8 of The Hindu Minority & Guardianship, 1956 Act** reads as under :-

“(1) The natural guardian of a Hindu minor has power, subject to the provisions of this section, to do all acts which are necessary or reasonable and proper for the benefit of the minor or for the realization, protection or benefit of the minor’s estate; but the guardian can in no case bind the minor by a personal covenant.

(2) The natural guardian shall not, without the previous permission of the court :-

(a) Mortgage or charge, or transfer by sale, gift exchange or otherwise, any part of the immovable property of the minor, or

(b) lease any part of such property for a term exceeding five years or for a term extending

more than one year beyond the date on which the minor will attain majority.

(3) Any disposal of immovable property by a natural guardian, in contravention of sub-section (1) or sub-section (2), is voidable at the instance of the minor or any person claiming under him.

(4) No court shall grant permission to the natural guardian to do any of the acts mentioned in sub-section (2) except in case of necessity or for an evident advantage to the minor.

(5) The Guardians and Wards Act, 1890 shall apply to and in respect of an application for obtaining the permission of the court under sub-section (2) in all respects as if it were an application for obtaining the permission of the court under section 29 of the Act.”

7. **Section 29 of The Guardians & Wards Act, 1890** defines the limitation on the powers of guardian of property appointed or declared by the court to the extent that such guardian shall not, without permission of the Court –

- (a) Mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of his ward, or
- (b) lease any part of such property for a term exceeding five years or for any term extended more than one year beyond the day on which the ward will cease to be a minor.

8. **Section 31(1) of the Guardians & Wards Act, 1890** provides that permission to the guardian to do any of the acts mentioned in Section 29 shall not be granted by the court except in case of necessity or for an evident advantage to the ward. Section 31(2) provides the manner in which permission is to be granted. Section 31(3) provides the conditions that may be imposed while granting permission. Section 31(4) provides that before granting permission, the court may cause

notice of the application to be given to any friend or relative of the ward.

9. The material on record including the evidence led clearly suggests that the minor child namely Reyansh Khattar is in the sole and exclusive custody and care of the petitioner. Needless to say, she being the single mother has to take care of the entire burden of her family. The petitioner thus deserves a guardianship certificate in respect of her minor child Reyansh Khattar, being a mother as well as a next friend.

10. The disposal of the share of the minor child Reyansh Khattar seems a necessity and for an evident advantage to the minors. To protect the interest of the minor, if the sale proceeds to the extent of the share of the minor is kept in the form of FDR, then it can be of great advantage to him on attaining majority especially for acquiring higher education. Furthermore, the recurring income that may be generated from the interest of the FDR can be better utilized for the welfare of the minor. The petitioner is the mother/natural guardian of minor and there is no material to gather an inference that her interest could be in conflict with or adverse to that of the minor.

11. No other LRs or any person from general public, in response to the public notices, have come forward for raising any objection to the petition. Hence, there is no impediment in granting the permission as sought by the petitioner. **Accordingly, the petition is allowed.**

12. **Relief :-**

In view of the above finding, the petition is allowed. The petitioner is appointed as guardian of minor i.e. Reyansh Khattar and is also granted permission to sell the share of this minor in suit property i.e. Plot No. 772, Block B, Pkt – 03, Sector – 29, area measuring 60 sq. meter, Rohini, Delhi. The order is subject to the following conditions :-

- i. The sale of shares of the minor child shall not be made below the total value of **Rs. 7,00,800/-**;
- ii. FDRs of **Rs. 7 lakh** in the name of the minor child with a Nationalized Bank or Post Office shall be purchased for the period till the minor attains the age of majority with automatic renewal in the name of the minor;
- iii. The interest accrued on the FDR is permitted to be utilized for meeting out the necessary expenditure of the minor;
- iv. On attaining majority, minor shall be free and competent to utilize the amount of FDR;
- v. As soon as the sale has been made, a compliance report shall be filed within one month of the sale;
- vi. This permission shall not tantamount to vesting or conferring any right, title or interest in the property proposed to be sold;
- vii. The petitioner shall not be entitled/allowed to any allowance;
- viii. The petitioner shall furnish a surety bond for a sum of **Rs. 7 lakh** /-, as per Form-D, given in chapter 2 part-D, Volume-2 of the Delhi High Court Rules;
- ix. Special attention of the petitioner has been drawn to the provisions of Section 26, 27, 28, 29, 32, 33. 35, 36, 39, 44 & 45 of the Guardianship and Wards Act, 1980.

13. On fulfillment of necessary conditions, the guardianship certificate as per Form-F given in chapter-2, part-D, Volume-2 of the Delhi High Court Rules be issued.

14. File be consigned to record room.

Announced in the open court
on 01st day of July 2026

(Sidharth Mathur)
District Judge-01/North
Rohini Courts/Delhi