



Received on : 11/08/2025
Registered on : 11/08/2025
Decided on : 25/03/2026

Exhibit :

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
MORBI**

Civil Misc. Application No. 107/2025

Applicant :-

Bharatiben Rameshbhai Sadatiya,
Aged : 47 yrs., Occu.: House-hold,
Residing at Khakhrala, Tal. Morbi,
Dist. Morbi.

Advocate:-

Mr. C. P. Soriya, Learned Advocate for Applicant.

Application under the provision of The Guardians and Wards Act, 1890.

:- JUDGMENT :-

- (1) The present application is preferred by the applicant under Section 7 of the Guardians and Wards Act, 1890, seeking her appointment as the legal guardian of her minor children, namely, Meera Rameshbhai Sadatiya and further seeking permission to sell the minor's undivided share in the property, in accordance with the provisions of the said Act.

(2) The brief facts of the present application are that the applicant is the natural guardian and mother of the aforesaid minor child and the widow of deceased Rameshbhai Shivabhai Sadatiya, who expired on 25/07/2021. It is the case of the applicant that applicant presently resides at Khakhrala village, Taluka Morbi, along with her child. The husband of the applicant, Rameshbhai Shivabhai Sadatiya, expired on 25/07/2021. After the demise of the husband of the applicant, a legal heir entry has been made in the revenue record, which is recorded in Village Form No. 6 of Khakhrala village vide Entry No. 4755. Therefore, the present application is filed seeking appointment of the applicant as guardian of the minor daughter and for permission to sell the property.

(2.1) The applicant has one minor child daughter, namely: Meera Rameshbhai Sadatiya, Age: 15 years and the agricultural lands are situated at Khakhrala village, Taluka Morbi as Revenue Survey No. 14/3 ad-measuring Area 0-01-01 H.R.A., Revenue Survey No. 14/2 paiki 3 ad-measuring 0-81-95 H.R.A. and Revenue Survey No. 241/1 paiki 1 ad-measuring 0-93-08 H.R.A.

(2.2) The ownership history of the said lands as the land bearing Revenue Survey No. 14/3 of Khakhrala village, Taluka Morbi, District Morbi was recorded in the name of Pa. Jeraj Bhima as per the Record of Rights, and the entry

regarding the same was made in Village Form No. 6 vide Entry No. 20. Similarly, the land bearing Revenue Survey No. 241/1 was recorded in the name of Pa. Jeraj Bhima, and the entry regarding the same was made in Village Form No. 6 vide Entry No. 309. Thereafter, with regard to Revenue Survey No. 14/2 paiki 3, having an area of 0-81-95 H.R.A., there existed a joint account in the names of Amarshi, Shiva, Sundarji and Dhanji Jeraj. As they were cultivating separately, the land was divided as; from Survey No. 14/2 (Acre 4-10 Gunthas, out of which Acre 2-5 Gunthas in the share of deceased Amarshibhai Jerajbhai; Acre 2-5 Gunthas in the share of deceased Shivabhai Jerajbhai, From Survey No. 241/1 Acre 10-39 Gunthas, out of which, Acre 2-16 Gunthas in the share of deceased Shivabhai Jerajbhai, Acre 5-18 Gunthas in the share of deceased Sundarjibhai Jerajbhai and Acre 3-5 Gunthas in the share of deceased Dhanji Jeraj. The entry regarding the same was made in Village Form No. 6 vide Entry No. 1059.

(2.3) Subsequently, during the lifetime of Shivabhai Jerajbhai Patel, straight legal heirs were entered in respect of the lands bearing Survey Nos. 14/3, 14/2 paiki 3 and 241/1 paiki 1 as; (1) Jamanaben Shivabhai Sadatiya, (2) Mansukhlal Shivalal Sadatiya, (3) Kanchanben Shivabhai Sadatiya, (4) Harshadbhai Shivabhai Sadatiya, (5) Sarojben Shivabhai Sadatiya, (6) Rasilaben Shivabhai

Sadatiya and (7) deceased Rameshbhai Shivabhai Sadatiya, his legal heirs (7/1) Bharatiaben Rameshbhai Sadatiya and (7/2) Meera Rameshbhai Sadatiya (Minor) and thereof entry was recorded in Village Form No. 6 vide Entry No. 4755.

(2.4) Subsequently, the names of: the applicant, Kanchanben Shivabhai Sadatiya, and Bharatiaben Rameshbhai Sadatiya were deleted from the record. The entry regarding the same was made in Village Form No. 6 vide Entry No. 4828. Thus, the property is presently in joint ownership, including the minor Meera Rameshbhai Sadatiya etc. The applicant resides with her daughter Meera, who is a co-owner of the said property and is presently a minor.

(2.5) The agricultural lands jointly owned by the applicant, the minor daughter Meera Rameshbhai Sadatiya, and other co-sharers situated in Khakhrala village, Taluka Morbi, bearing Survey No. 14/3 Ad-measuring 0-01-01 H.R.A. and Survey No. 14/2 paiki 3 ad-measuring 0-81-95 H.R.A. The said property having the following four boundaries:

East - Land of Chhagan Ambaram Sadatiya.

West - Murlidhar Petrol Pump.

North- Land of Ashwin Balubhai Sadatiya (Survey No. 14).

South – Land of Rajesh Kanjibhai Sadatiya.

The land bearing Survey No. 241/1 paiki 1, having area 0-93-08 H.R.A., has the following four boundaries:

East – Land of Pravinbhai Dhanjibhai Sadatiya

West – Land of Sundarjibhai Jerajbhai Sadatiya

North – Land of Balubhai Mohanbhai Sadatiya

South – Land of Sundarjibhai Jerajbhai Sadatiya.

(2.6) The minor daughter Meera Rameshbhai Sadatiya resides under the care and guardianship of the applicant. She is the daughter of the applicant, and the applicant is fully capable and suitable to be appointed as guardian of the minor. The applicant is an adult, responsible and capable person, having the ability to make proper decisions for the welfare and future of the minor. Therefore, the applicant is fully eligible to be appointed as the guardian of the minor daughter. The property mentioned in Paragraphs 6 and 7 of the application includes the share of the minor. The said agricultural land is in joint ownership of the applicant, the minor daughter and other co-sharers. Therefore, it is necessary to divide and sell the property in the interest of the minor for her higher education, and her proper care and upbringing. Affidavits from the close relatives of the applicant are submitted along with the present application stating that they have no objection to granting the present application.

(2.7) The agricultural land mentioned above is barren and non-productive, and involves considerable expenditure.

The land is not fertile and does not generate sufficient agricultural income. It has remained uncultivated. Further the land is in joint ownership with several family members. Thus, the applicant is fully eligible to be appointed as guardian of the minor, and permission to sell the said property for the benefit of the family and the minor is required. Therefore, the applicant most respectfully prays that this Honorable Court may be pleased to appoint the applicant as guardian of the minor Meera Rameshbhai Sadatiya, and also grant permission to sell the agricultural lands, namely bearing Survey No. 14/3 admeasuring 0-01-01 H.R.A.; Survey No. 14/2 Paiki 3 – Admeasuring 0-81-95 H.R.A. and Survey No.241/1 paiki 1 admeasuring 0-93-08 H.R.A. situated at Khakhrala village, Taluka Morbi, being immovable agricultural properties.

- (3) In compliance with the mandatory procedural requirements, the applicant caused to be published a public notice in a local daily newspaper, inviting objections, if any, to the grant of the present application. A copy of the said newspaper publication, dated 17/09/2025 has been produced at Exhibit 4(Mark-4/1). However, despite the lapse of a reasonable statutory period following such publication, no objections have been received and no individual has appeared before the court to contest the present application.

(4) In order to prove the case as set out by the applicant in her application, seeking guardianship certificate of minor child namely, Meera Rameshbhai Sadatiya, and to sell share of minor in the said property, the applicant has filed her examination-in-chief vide Exh.5. The applicant being a daughter-in-law of Shivabhai Jerajbhai Sadatiya has submitted his affidavit on oath at Exh.27 and the applicant being a daughter-in-law of Jamnaben Shivabhai Sadatiya has submitted her affidavit at Exh.28. The Mansukhbhai Shivabhai Sadatiya, Sarojben Shivabhai Sadatiya, Harshadbhai Shivabhai Sadatiya and Rasikalben Shivabhai Sadatiya, who are brother and sister of husband of applicant vide Exh. 29, 30, 21 and 32 respectively, wherein they declared in their affidavits that the applicant Bhartiben Rameshbhai Sadatiya has submitted an application seeking permission to be appointed as the guardian of the minor Meera Rameshbhai Sadatiya and to obtain permission for the sale of immovable property. The properties involved are agricultural lands situated in Khakhrala village of Morbi Taluka, described as follows:

- Revenue Survey No. 14/3, land measuring 0-01-01 H.R.A.
- Revenue Survey No. 14/2 paiki 3, land measuring 0-81-95 H.R.A.
- Revenue Survey No. 241/1 paiki 1, land measuring 0-93-08 H.R.A. These lands have been recorded in Village Form No. 6 of Khakhrala village under **Entry No. 4755**.

They further declared that the property in which the minor

has rights and interests is the agricultural land described with four boundaries in **Paragraphs 6 and 7 of the application**. It is in the interest of the minor that the said land be sold because the agricultural land is barren, unproductive, and expensive to maintain. The land is infertile and does not provide sufficient returns even for cultivation, and therefore it is considered non-productive land. They further declared that the land has been lying unused and fallow, and it is jointly owned by the applicant and the other relatives. At present, there is no mutual understanding among all the co-owners (account holders). Furthermore, declared that the land cannot be practically partitioned among the co-owners, because such division would result in fragmentation which is not permissible under the revenue laws. Therefore, the land cannot be divided and remains unused, from which no agricultural income can presently be derived. They further declared that accordingly, it has become necessary to sell the said land. Therefore, the applicant Bhartiben Rameshbhai Sadataiya is fully eligible and entitled in every respect to be appointed as the guardian of the minor Meera Rameshbhai Sadataiya and also grant permission to sell the same, they have no objection. In short, they declared that if applicant be appointed as guardian of minor Meeraben and also to grant permission for sell of sought property, they have no objection and also produced the following documentary evidences in support of his prayer.

Sr. No.	Documents	Exh.
1.	Affidavit of Shivabhai Jerajbhai Sadatiya, declaring his no-objection to the present application	27
2	Affidavit of Jamnaben Shivabhai Sadatiya, declaring his no-objection to the present application	28
3	Affidavit of Mansukhbhai Shivabhai Sadatiya, declaring his no-objection to the present application	29
4	Affidavit of Sarojben Shivabhai Sadatiya, declaring his no-objection to the present application	30
5	Affidavit of Harshadbhai Shivabhai Sadatiya, declaring his no-objection to the present application	31
6	Affidavit of Rasilaben Shivabhai Sadatiya, declaring his no-objection to the present application	32
7	Copy of Entry No.20 in Village Form No.6	7
8	Copy of Entry No.309 in Village Form No.6	8
9	Copy of Entry No.1059 in Village Form No.6	9
10	Copy of Entry No.1440 in Village Form No.6	10
11	Copy of Entry No.4755 in Village Form No.6	11
12	Copy of Entry No.4828 in Village Form No.6	12
13	Copy of V.F. No. 7 of Survey No.14/3	13
14	Copy of V.F. No. 12 of Survey No.14/3	14
15	Copy of V.F. No. 7 of Survey No.14/3 paiki 3	15

16	Copy of V.F. No. 12 of Survey No.14/3 paiki 3	16
17	Copy of V.F. No. 7 of Survey No.241/1 paiki 1	17
18	Copy of V.F. No. 12 of Survey No.241/1 paiki 1	18
19	Copy of V.F. No.8A Khata No.206	19
20	Copy of death certificate of deceased Rameshbhai Shivabhai Sadatiya	20
21	Copy of birth certificate of Mira Rameshbhai Sadatiya	21
22	Copy of Pedigree certificate of Rameshbhai Shivabhai Sadatiya	22
23	Copy of Pedigree certificate of Shivabhai Jerajbhai Sadatiya	23
24	Copy of Aadhar Card of applicant	24
25	Copy of school receipts of Meera Rameshbhai Sadatiya	25

- (5) Looking to the averments made by the applicant in the application, as discussed hereinabove, it needs no repetition. It transpires from the record that the aforesaid minor children are residing with the applicant, who is mother of minors and looking after their upbringing, nurturing, and education. For the betterment and welfare of the minors, the property described hereinabove, to the extent of the minor's share, are required to be sold. For this purpose, the applicant is required to obtain a Guardianship Certificate. Accordingly, she has sought issuance of the said certificate. Upon perusal of the pedigree certificate

produced at Exh.20, it is evident that the applicant and the minor are the legal heirs of deceased Rameshbhai Shivabhai Sadatiya, and that the children are presently minor. On examination of the contents of the application, it further reveals that the property in question jointly belongs to the aforesaid minor children and co-owners as mentioned hereinabove. Hence, for maintaining the present application, the applicant is required to obtain a Guardianship Certificate appointing her as the guardian of the minors and permitting her to sell the property in which the minors has a share. The applicant's case has remained uncontested. The averments made in the application and the documents produced in support thereof clearly show that the applicant is the widow of deceased Rameshbhai Shivabhai Sadatiya and the mother of the minor child, Meeraben Rameshbhai Sadatiya. Moreover, no other party has objected to the application, nor has any person raised any resistance during the recording of evidence produced by the applicant. On the contrary, in support of the present application, the co-owners of the property, who are relative of applicant have filed their separate affidavits at Exh.27 to 31 respectively, stating that they have no objection if the application is allowed. In the instant case, it also appears that the minor child is presently under the care and guardianship of the applicant, and the welfare of the minor would be secure in her hands.

- (6) At this juncture, it is required to be noted that Section 29 of the Guardians and Wards Act – 1890, deals with the Limitation of powers of guardian of property appointed or declared by the court, which reads as under :-

29. Limitation of powers of guardian of property appointed or declared by the Court :- Where as person other than a Collector, or than a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court, -

- (a) mortgage or charge, or by transfer by sale, gift, exchange or otherwise any part of the immovable property of his wards, or
 - (b) lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which the ward will cease to be a minor.
- (7) Section 31 of the act deals with the procedure and practice relating to the grant of permission for transfers under Section 29. The said section provides that permission to a guardian to perform any act mentioned in Section 29 shall not be granted by the court except in cases of necessity or for the evident advantage of the ward. The section further mandates that the order granting such permission must clearly state the necessity or advantage, as the case may be, describe the property in respect of which the act is permitted, and specify any conditions that the court may deem fit to impose. The section confers discretionary

powers upon the court to attach conditions to the permission, including a condition that the sale shall not be completed without the prior sanction of the court. Clause (d) of sub-section (3) of Section 31 provides that the whole or any part of the proceeds arising from the act permitted shall be paid into the court by the guardian, to be disbursed therefrom or invested in prescribed securities, or otherwise dealt with as the court may direct. Sub-section (4) of Section 31 further stipulates that before granting permission to the guardian to do any act mentioned in Section 29, the court may cause notice of the application to be given to any relative or friend of the ward who, in the opinion of the court, ought to receive such notice, and shall hear and record the statement of any person who appears in opposition to the application.

- (8) It is a well-settled principle of law that, while appointing a guardian, the paramount consideration of the court must be the welfare of the minor. In the present case, it appears that the minor child is presently under the care and custody of the applicant. Therefore, if the applicant is appointed as the guardian of the aforesaid minor child and of her property, it would unquestionably serve the best interests and welfare of the minor. The future of the said minor would remain secure under the applicant's guardianship. Hence, keeping in view the welfare of the above-named minor, it is just, proper, and desirable that the applicant, Bharatiben

Rameshbhai Sadatiya, be appointed as the guardian of her minor child namely, Meera Rameshbhai Sadatiya, as well as of her property. Accordingly, I pass the following final order in the interest of justice :

-: ORDER :-

- [1] The present application filed by the applicant, Bharatiben Rameshbhai Sadatiya, under the provisions of the Guardians and Wards Act, 1890, is hereby allowed.
- [2] The applicant, Bharatiben Rameshbhai Sadatiya, is hereby appointed as the guardian of her minor daughter namely, Meera Rameshbhai Sadatiya, and of her property.
- [3] The applicant is hereby permitted to sell the minor's share in the property, being agricultural land situated at village Khakhrala of Morbi Taluka, described as Revenue Survey No. 14/3, land ad-measuring 0-01-01 H.R.A.; Revenue Survey No. 14/2 paiki 3, land ad-measuring 0-81-95 H.R.A. and Revenue Survey No. 241/1 paiki 1, land ad-measuring 0-93-08 H.R.A. The said agricultural land described with four boundaries in Paragraphs 6 and 7 of the application.
- [4] The applicant is further permitted to perform all acts necessary for the realization, protection, or benefit of the minor's estate.
- [5] The entire amount accruing to the share of the minor from the sale of the property shall be invested in a Fixed

Deposit Receipt (FDR) in the name of the minor, Meera Rameshbhai Sadatiya, through the applicant, being the natural guardian, in any nationalized bank, until he attains the age of majority.

- [6] The applicant is permitted to withdraw the interest accrued on the said FDRs periodically, as per the rules.
- [7] The applicant is hereby directed to produce (i) the certified copy of the registered sale deed of the property as and when executed, and (ii) the copy of the FDRs invested in the name of the minors through the guardian.
- [8] The Guardianship Certificate be issued accordingly.
- [9] No order as to costs.

Pronounced in the open court today on this 25th day of March, 2026.

Place: Morbi
Date: 25/03/2026

(Kamal Rasiklal Pandya)
Additional District Judge
Morbi
Judge Code GJ00739

/BMD/