



IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C. N.R.PURA, ITINERATE AT KOPPA

Present: Sri.Raghunatha Gowda K.T. B.Com., L.L.B.,
Senior Civil Judge & J.M.F.C., N.R.Pura, Itinerate at
Koppa

Dated this the 11th day of June, 2026

G & W. No.20/2025

- Petitioner/s** : 1) Smt. Nagashree,
W/o. Raghunandan H.S.,
D/o. Bhaskar S.S.,
Aged about 31 years,
R/o. Sathihaklu, Megur Post,
Koppa Taluk, Chikkamagaluru
District.
- 2) Sri. Raghunandan H.S.,
S/o. Sathish H.K.,
Aged about 38 years,
R/o. # 343, Manu Nilaya,
Amar Jyothi School Road,
Devasandra Extention,
K.R. Puram, Bengaluru North,
Bengaluru – 560 036.

(By Sri. S.K.V., Advocate)

V/s



Respondent : Sri. Shashishekar V.K.,
S/o. Krishnamurthy Bhatta,
Aged about 35 years,
R/o. #520, 1st Floor, 2nd Phase,
Girinagar, Bengaluru-560085.

Ex-parte

:-O R D E R :-

This petition is filed by the petitioners under Section 7 of the Guardians and Wards Act-1890 to declare that the petitioners are the guardian of Master Harshith Bhat, to safeguard the interest of minor.

2. **Brief facts of the petitioners' case are as under:**

That petitioners are submits that the petitioner No.1 and respondent are husband and wife and their marriage was solemnized on 25.06.2018 at Sri. Abhinava Vidyathirtha Kalyana Mantapa, Sringeri, out of their wedlock the male child by name Harshith Bhat was born and now he is aged about 5 years and he is



care and custody of petitioner No.1. Further petitioner No.1 contended that the relationship between herself and respondent was strained and they could not lead happy marital life. So that reason the petitioner No.1 respondent are filed mutual divorce petition in M.C. No.45/2021 before this Court and the said petition was allowed and dissolve the decree of divorce.

b) Further she contended that after decree of divorce, she is care and custody of Harshith Bhat, thereafter on 22.05.2025 she got married with petitioner No.2 and they are started residing with minor child and now he is care and custody of themselves. Further they are contended that the respondent never came back and look after the child and also he has not look after the basic amenities and welfare of the child. Further they are contended that except themselves nobodies to look after the minor child and also his future carrier. In order to welfare of the minor child appointing them as a guardian is very much necessary. Hence they prays to allow the petition



and appoint them as natural guardian of minor child by name Harshith Bhat.

3. The notice issued to the respondent through speed post and same was received by his mother, but he did not appear before the Court. Hence vide order dated 07.02.2026 the respondent placed ex-parte. The public notice was published in Vijaya Karnataka Kannada daily newspaper calling upon the general public to file objections if any to the present petition. In spite of said public notice, nobody have appeared as objector nor filed any objection.

4. To prove the case, petitioner No.1 got examined herself as PW1 and 8 documents were marked as Ex. P1 to P8 and close their side.

5. Heard the argument and perused the material placed on records.

6. The following points arise for my consideration:

1. Whether the petitioners have made out grounds to appoint them as



minor guardian of Harshith Bhat,
to look after him?

2. What order?

7. My findings on the above points are as follows :-

Point No.1 : In the Affirmative

Point No.2 : As per final order
for the following:

:- R E A S O N S :-

8. **Point No.1** :- To prove the case, petitioner No.1 got examined herself as PW1 and she filed her affidavit in lieu of her examination-in-chief and she has reiterated the petition averments. In support of her oral evidence she relied on Ex. P1 to P8 documents. Ex. P1 is the marriage invitation card, Ex. P2 is the notarized copy of the marriage certificate, Ex. P3 is the certified copy of the judgment in M.C. No.45/2021, Ex. P4 is the certified copy of the decree in M.C. No.45/2021, Ex. P5 is the notarized copy of the birth certificate minor Harshith Bhat, Ex. P6 is the notarized copy of the Aadhaar card of petitioner No.1, Ex. P7 is



the notarized copy of the Aadhaar card of petitioner No.2 and Ex. P8 is the Paper publication.

9. There is no dispute that minor Harshith Bhat is son of petitioner No.1 and respondent. Further as per Ex. P3 petitioner No.1 and respondent are filed a divorce petition for mutual consent and dissolve the marriage. Further after the dissolution of marriage, as per Ex. P1 the petitioners are married and as per Ex. P2 the said marriage was registered before the the Registrar office, Koppa. Further as per **Section 7 of Guardians and Wards Act 1890 it clearly states that power of the Court to make order as to guardianship;-** Where the Court is satisfied that it is for the welfare of a minor that an order should to be made appointing a guardian of his person or property or both and to declare a person to be such a guardian, the Court make an order accordingly. As per above said Section makes it clear the court shall appoint a guardian to be person, property or both.

10. On careful perusal of the record there is no dispute with regard to the petitioner No.1 and



respondent are filed a mutual divorce petition same was allowed. Thereafter petitioner No.1 married with petitioner No.2, the minor Harshith Bhat is care and custody of the petitioners and in order to the welfare of the minor child and the future of the said child to be taken into consideration and this Court is of opinion that the petitioners were appointed as a guardian of minor wards by name Harshith Bhat. Further after service of the notice the respondent did not appear before the Court and also to take public notice through paper publication for appearance of any interested person to object the said petition, but no one can appear before the Court. Hence the evidence of PW1 is remaining unchallenged and this Court to look into the paramount consideration of welfare of the minor child. Hence petitioner No.1 is own mother of minor Harshith Bhat and as the petitioners are under the care and custody of minor child. Hence, it is just and proper to allow the petition. Thus, I answer **point No.1 in the affirmative.**



11. **Point No.2:-** In view of the above discussions, I proceed to pass the following:

-: ORDER :-

Petition filed by the petitioners under Section 7 of Guardians and Wards Act is hereby allowed.

To declare that petitioners are appointed as the guardian of minor child by name Harshith Bhat to look after the welfare of the minor.

No order as to costs.

(Dictated to the Stenographer, transcribed by him, transcript revised by me, corrected, signed & then pronounced in the Open court on this the 11th day of June, 2026.)

Sd/-

(Raghunatha Gowda K.T.)
Senior Civil Judge and J.M.F.C.,
N.R.Pura, Itinerate at Koppa.



-: ANNEXURE :-

Witnesses examined on behalf of the Petitioners :

PW1 : Smt. Nagashree

Documents marked as Exhibits for the Petitioners :

- Ex. P1 : Marriage invitation card.
Ex. P2 : Notarized copy of the marriage certificate.
Ex. P3 : Notarized copy of the judgment in M.C.
No.45/2021.
Ex. P4 : Certified copy of the decree in M.C.
No.45/2021
Ex. P5 : Notarized copy of the birth certificate
minor Harshith Bhat.
Ex. P6 : Notarized copy of the Aadhaar card of
petitioner No.1.
Ex. P7 : Notarized copy of the Aadhaar card of
petitioner No.2.
Ex. P8 : Paper publication.

Witnesses examined on behalf of the Respondent:

: -N I L-

Documents marked as Exhibits for the respondent:

: - N I L -

Senior Civil Judge and J.M.F.C,
N.R.Pura Itinerate at Koppa.