

KADG020013982026



Presented on : 25-03-2026

Registered on : 25-03-2026

Decided on : 10-06-2026

Duration : 0 years, 2 months, 16 days

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND C.J.M., AT
DAVANAGERE.**

Present

**Sri. M. Mahesh Babu., B.A., L.L.M.,
Prl.Senior Civil Judge & C.J.M.,
Davanagere.**

Dated this 10th day of June 2026.

G & W.C. No.19/2026

Petitioners:

1. Smt. Pushpa A. W/o Late G.B. Revanasiddappa, Aged about 39 years, R/o Lingadahalli village, Davanagere taluk & district.
2. Kum. Saanvi G.R. D/o Late G.B. Revanasiddappa, Aged about 13 years,
3. Kum. Aadya G.R D/o Late G.B. Revanasiddappa, Aged about 10 years,
4. Mr. Ishanta G.R. S/o Late G.B. Revanasiddappa, Aged about 4 years,

Being minors represented by their natural guardian and father Sri. K.H. Ekanthappa.

Petitioner No.2 to 4 are minors and represented by their next friend, natural guardian, mother Smt. Pushpa A. i.e.,

petitioner No.1 and all are R/o Lingadahalli village, Davanagere taluk & district.

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

-V/s-

Respondents: --- Nil --

PETITION FILED U/SEC. 12 OF GUARDIAN AND WARDS ACT.

The petitioners averred that, petitioner No.2 to 4 are the minor children of petitioner No.1. The petitioners No1, being the mother of the minor petitioners, are their natural and lawful guardians, having the custody, care, and responsibility for their welfare, maintenance, and education.

2. Further, one Sri. G. B. Revanasiddappa S/o G. U. Basavarajappa is the absolute owner of the schedule property and he acquired title to the property under registered sale deed dated 18-07-2016 executed by one Sri. P. Manjunath S/o Late Parameshwarappa. Further contended that, the sale referred above is duly acted upon by mutating the katha of the property in the name of Sri. G. B. Revanasiddappa by virtue of an order passed by the Commissioner, Mahanagara Palike, Davanagere. As such the said authority is issued an endorsement dated 07-09-2016. Further petitioner No.1 stated that, the said order passed by the corporation authority dated 07-09-2016 is duly acted implemented in subsequent revenue records. As such all the revenue records were mutated in the name of Sri. G. B. Revanasiddappa.

3. Further, petitioner No.1 contended that, it is the ill fate of this petitioner that, the said Sri. G. B. Revanasiddappa was passed away on 25-03-2023 leaving behind this petitioner as his wife and petitioner No. 2 to 4 as his children. Further, as on this day, the petitioner No. 2 to 4 are minors and they are growing up under the care and custody of petitioner No.1 i.e., mother. Further, petitioner No.1 stated that, after death of Sri. G. B. Revanasiddappa, this petitioner No. 1 has given representation to the City Municipal Corporation, Davanagere by furnishing all the documents and sort for change of katha in her name. As such the said representation is considered and order was passed on 11-10-2023. As such the katha of the schedule-A property has been mutated in the name of petitioners before the City Municipal Corporation, Davanagere.

4. Further, petitioner No.1 stated that, the said order dated 11-10-2023 is effectively implemented in subsequent revenue records. As such as on this day E-Katha pertaining to the schedule -A property is standing in the name of these petitioners. When such being the fact and position further submitted that, the petitioner No. 1 is an owner property bearing its property No. 33-3-533-205B, # 3868/1-2, measuring E-W 9.144 meters, N-S 15.240 meters in all 139.3545 Sq., meters, which is situated at ward No. 33, 7th cross, 11th main, M. C. C. extended 'B' Block, Davanagere and herein after called as schedule - B property for brevity.

5. Further, petitioner No.1 submitted that, this petitioner No. 1 has acquired title to the above said property under a registered sale deed dated 15-05-2025 executed by one Smt. Lalithamma W/o Late S. Nagaraj. Further, the sale deed dated 15-05-2025 referred above duly acted upon by mutating of the property in the name this petitioner No.1.

As such as on this day all the revenue documents are standing in the name of this petitioner No. 1 only. Further, now the petitioner No. 1 is intended to construct a house in the above said property. As such she has taken an estimation from the competent authority to meet out the expenses of construction. For the purpose of construction of the house, the petitioner No.1 is in need of funds and for accumulation of funds this petitioner No.1, is intended to alienate the schedule - A property. Since the property is standing in the joint name of this petitioner No. 1 to 4, the prospective buyer is expecting the sanction from the competent jurisdictional court.

6. Further, petitioner No.1 stated that, the intention of this petitioner No. 1 is very much clear and she intends to sell the schedule A property to construct home in schedule-B property. Even this petitioner No. 1 is hereby under taking before this court that, after constructing the house in the schedule - B property and repayment of debts borrowed for the purpose of construction of the house, she will going to make her minor children i.e., petitioner No. 2 to 4 as co-owners with respect of schedule - B property. Further, the intention of the petitioner No. 1 in alienating the schedule property is for a bona fide reason and there is no deliberate or ill intention and the said alienation is for the benefit of petitioner No. 2 to 4. Since the schedule-A property is standing in the joint of name of this petitioner No.1 and also her minor children, the purchasers are expecting the order from this court to get the registered sale deed.

7. Further it is the case of the petitioner No.1 is that, the property which is detailed in the schedule A is having lesser value than that off the property which is now standing in the name of this petitioner No. 1.

Further, for the purpose of constructing house, petitioner No. 1 availing loan from the bank. In addition to the said loan amount, if this court may kindly be permit the petitioner No. 1 to alienate the schedule A property, she intends to utilize the entire sale consideration amount for the purpose of construction of a new residential house for the benefit of the minors petitioners and prays to appoint the petitioner No.1 as guardian for her minor children i.e., petitioner No.2 to 4.

8. After registration of the petitioners, this court has issued the paper publication. Nobody has appeared and contest the matter. Later the petitioner No.1 examined herself as PW1 and got marked Ex.P1 to 14. Ex.P1 is the Registered sale deed, Ex.P2 & 3 are the Relinquishment deed, Ex.P4 is the Death certificate, Ex.P5 is Registered agreement sale, Ex.P6 is the G-tree, Ex.P7 to 9 are the Birth certificates of petitioner No.2 to 4, Ex.P10 to 13 are Notarized copy of Aadhar cards and Ex.P14 is the Paper publication.

9. Heard the arguments of petitioner counsel and perused the materials on record. On perusal of the points that arise for my consideration and determination are as under:-

1. Whether the petitioner No.1 made out sufficient grounds to appoint her as guardian for minor petitioner No.2 to 4?

2. What order?

10. My findings on the above points are as under:

Point No.1 :- In the Affirmative,

Point No.2 :- As per final Order, for the following:

REASONS

11. Point No.1:- The petitioner No.1 examined as PW1 by way of filing affidavit in lieu of examination in chief and produced as many as 14 documents the same were exhibited as Ex.P1 to 14. I have gone through the petition averments and oral evidence of the PW-1. The PW-1 has specifically stated that, petitioner No.2 to 4 are minors and it is essential to appoint her as legal guardian to sell the suit 'A' schedule property for clearance of bank debt and for construction of residential house in B' schedule property and in order to meet out the financial crisis and the same is for the benefit of minor petitioner No.2 to 4.

12. In order to substantiate the same, the document relied by the petitioner No.1 marked at Ex.P6 which is a G-tree which described about the family of the petitioners. Ex.P1 is the registered sale-deed and Ex.P3 is relinquishment deed in respect of suit 'A' schedule property. On perusal of the same it is apparent that the schedule property joint standing in the name petitioners. On perusal of the Ex.P5 is the sale deed in respect of suit 'B' schedule property, which was standing in the name of petitioner No.1 and Ex.P7 to 9 are the Birth certificates of minor petitioner No.2 to 4. On going through the above said documents it reveals that there is no care and custody of minor petitioner No.2 to 4.

13. These documents are supported by the oral evidence of PW1. Moreover nobody has denied and objected the claim of the petition and evidence of the PW1. The PW1 being the mother of minor petitioner No.2 to 4, petitioner No.1 is not having any adverse interest against the minor

petitioner No.2 to 4. In order to protect the best interest of the minor petitioners, it is better to appoint the Smt. Pushpa A. i.e., mother of minor petitioner No.2 to 4 as a guardian of petitioner No.2 to 4. The material available on record as well as oral evidence and documents are sufficient to hold that, the petitioner No.2 to 4 are minor. All these material facts and evidence satisfied that, the petitioners are able to prove the above point by oral and documentary evidence. **Hence, I answered the above point in the affirmative.**

14. Point No.2:- In view of above discussion, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/Sec.12 of Guardian & Wards Act is hereby allowed.

Smt. Pushpa A. is appointed as a guardian of minor petitioner No.2 to 4 and he is permitted to sell the schedule 'A' property. Further, the minor petitioner No.2 to 4 are entitled to equal share out of the sale consideration.

Further, petitioner No.1 is hereby directed to deposit the share of minor petitioner No.2 to 4 in any Nationalized Bank till they attains age of majority, thereafter petitioner No.1 i.e., Smt. Pushpa A. is entitled to entered to the sale proceedings in the

name of petitioner No.2 to 4 as a minor guardian.

The office is directed to issue Guardianship Certificate in the name of Smt. Pushpa A. by collecting necessary fee.

(Dictated to the Stenographer, directly over computer and typed by her, revised by me and then pronounced by me in the open Court on this the 10th day of June 2026)

(M. Mahesh Babu)
Prl. Senior Civil Judge & CJM.,
Davanagere.

ANNEXURE

A) WITNESSES EXAMINED FOR THE PETITIONER/s:-

PW.1 Smt. Pushpa A.

B) WITNESSES EXAMINED FOR RESPONDENT/s :- Nil.

C) DOCUMENTS EXHIBITED FOR THE PETITIONER/s:-

Ex.P1	Registered sale deed,
Ex.P2 & 3	Relinquishment deed
Ex.P4	Death certificate
Ex.P5	Registered agreement sale
Ex.P6	G-tree
Ex.P7 to 9	Birth certificates of petitioner No.2 to 4
Ex.P10 to 13	Notarized copy of Aadhar cards
Ex.P14	Paper publication.

D) DOCUMENTS EXHIBITED FOR RESPONDENT/s :- Nil.

(M. Mahesh Babu)
Prl. Senior Civil Judge & CJM.,
Davanagere.

(Order pronounced in open Court, vide separate order)

:ORDER:

The petition filed by the petitioners U/Sec.12 of Guardian & Wards Act is hereby allowed.

Smt. Pushpa A. is appointed as a guardian of minor petitioner No.2 to 4 and he is permitted to sell the schedule 'A' property. Further, the minor petitioner No.2 to 4 are entitled to equal share out of the sale consideration.

Further, petitioner No.1 is hereby directed to deposit the share of minor petitioner No.2 to 4 in any Nationalized Bank till they attains age of majority, thereafter petitioner No.1 i.e., Smt. Pushpa A. is entitled to entered to the sale proceedings in the name of petitioner No.2 to 4 as a minor guardian.

The office is directed to issue Guardianship Certificate in the name of Smt. Pushpa A. by collecting necessary fee.

(M. Mahash Babu)
Prl Senior Civil Judge & CJM.,
Davanagere.