

KADG020018302026



Presented on : 02-05-2026
Registered on : 02-05-2026
Decided on : 03-08-2026
Duration : 0 years, 3 months, 1 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 03rd day of August - 2026.

G & W.C.No.21/2026

Petitioner/s:

1. Smt. Bhagya N. P., W/o Late. Manjunatha B. C.,
Aged about 41 years, Occ: Kolenahalli road,
near water tank, Kukkavada village,
Davanagere taluk and district.
2. Vinaya Patil B. M., S/o Late. Manjunatha B. C.,
Aged about 12 years, R/o Kolenahalli road,
near water tank, Kukkavada village,
Davanagere taluk and district.
3. Arjun Patil B. M., S/o Late. Manjunatha B. C.,
Aged about 8 years, R/o Kolenahalli road,
near water tank, Kukkavada village,
Davanagere taluk and district.

(Petitioner No.2 and 3 are minors, duly represented by
their mother and natural guardian, the petitioner No.1)

(By Sri. H.V.R., Advocate)

-V/s-

Respondents: --- Nil --

**PETITION FILED U/S.10 AND 29(A) OF GUARDIAN AND WARDS ACT
AND SECTION: 8 OF HINDU MINORITY AND GUARDIANSHIP ACT.**

The petitioner No.1 averred that, she is the mother of minor petitioner No.2 and 3 and petitioner No.2 and 3 are minor and represented by their mother as minor guardian. Further, petitioner No.1 is the wife and petitioner No.2 and 3 are the children of Late. Manjunatha B. C., who passed away on 20.05.2025. It is contended that, the leaving behind him the Petitioners as his only legal heirs and during his lifetime the family of B. C. Manjunath entered into a division of their Joint family properties and they divided their joint family properties under Registered Partition Deed dated 21.12.2019 registered vide S.R.No.17297/2019-20. Under the Registered Partition Deed the husband of Petitioner No.1 Sri B. C. Manjunath being the second party was allotted 04 Acres 20 guntas of land in R.S.No.28RS/2 of Giryapura Village, Kasaba Hobli, Davanagere taluk towards his right of share and it is referred as Schedule Property. After his demise the Khata of the Properties mutated into the joint names of his wife and children i.e., Petitioners. It is further contended that, after the death of the husband of Petitioner No.1 their family is in deep financial crisis and in distress. Moreover the Petitioner No.2 and 3 have completed 6th and 2nd standard respectively and they have to pursue 7th Standard and 3rd Standard in Karnataka Public School, Kukuvada Village. The Petitioner No.1 being the mother of her minor children have to spend the money for their education by providing them good career.

2. It is further, contended that, the apart the minor children are still in preliminary education they have to still studying upto higher education and Petitioner No.1 cannot meet the education expenses upto their higher studies without disposing of the schedule property. The Petitioner No.1 is in dire exigency of funds to take care of education and future of her children since she does not have any avocation to meet her family expenses. Therefore the Petitioner No.1 has decided to sell a portion of i.e. 01 Acre 20 Guntas of Land out of total extent of 04 Acre 20 Guntas. Apart from dire necessities of funds to meet the education of minor children, the schedule property is standing in the joint names of Petitioner No.1 to 3 and the Petitioner No.2 and 3 being minors, the Petitioner No.1 cannot sell the Schedule Property without the permission of the Hon'ble Court. Fortunately one Sri Manjunath B.C., S/o H. Bhujangaraya Shastry resident of Davanagere, has come forward to purchase the Schedule Property for a valuable consideration and after negotiation between the Petitioners and the potential purchaser, they have arrived at a conclusion that the proposed purchaser has agreed to purchase for a total consideration of Rs.10,50,000/-.

3. It is contended that, after the death of Sri. B. C. Manjunath, the petitioners being his legal heirs have succeeded to the property left by him as Class-I heirs. Since the minor children have right and title over the schedule property after death of their father, the permission of the Hon'ble Court is very much necessary for granting permission to sell the schedule property. It is contended that, since the Petitioner No.2 and 3 being minors and they have also right over the schedule property, hence they have come up with this petition seeking permission of the Hon'ble Court

to grant permission to sell the schedule property in favour of would be purchaser Sri Manjunath B. C., represented by their mother as guardian.

4. After registration of the petition, 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 Ex.P7. Ex.P1 is the RTC extract in Sy.No.28RS/2, Ex.P2 to Ex.P4 are the adhaar cards of the petitioners, Ex.P5 is the paper publication, Ex.P6 is the certified copy of partition deed and Ex.P7 is the death certificate of deceased Manjunatha B. C.

5. Heard the arguments of petitioners counsel and perused the materials on record. On perusal of the same the points that would 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 & 3?

2. What order?

6. **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 ::-

7. **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 7 documents the same were exhibited as Ex.P1 to Ex.P7. I have gone through the petition averments and oral evidence of the PW-1. The PW-1

has specifically stated that, petitioner No.2 & 3 are minors and it is essential to appoint her as legal guardian to sell the suit schedule property for their financial crisis and good care and to provide education to the minor petitioner No.2 & 3.

8. In order to substantiate the same, the document relied by the petitioner No.1 marked at Ex.P1 and Ex.P6 are the RTC extract and partition deed in the name deceased Sri. Manjunatha B. C. On perusal of the same it is apparent that the schedule property jointly standing in the name petitioners and others. Ex.P7 is the death certificates of Manjunatha B. C., father of minor petitioner No.2 & 3. On going through the above said documents it reveals that there is no care and custody of minor petitioner No.2 & 3.

9. These documents are supported by the oral evidence of PW1. Moreover nobody has denied and objected the claim of the petitioners and evidence of the PW1. The PW1 being the mother of minor petitioner No.2 & 3, she is not having any adverse interest against the minor petitioner No.2 & 3. In order to protect the best interest of the minor petitioner No.2 & 3, it is better to appoint the Smt. Bhagya N. P. W/o Late. Manjunatha B. C., i.e., mother of minor petitioner No.2 & 3 as a guardian of petitioner No.2 & 3. The material available on record as well as oral evidence and documents are sufficient to hold that, the petitioner No.2 & 3 are minors. 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 No.1 in the affirmative.**

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

-:: ORDER ::-

The petition filed by the petitioners U/s.10 and 29(a) of Guardian & Wards Act and Section 8 of Hindu Minority and Guardianship Act is hereby allowed.

Smt. Bhagya N. P W/o Late. Manjunatha B. C., is appointed as a guardian of minor petitioner No.2 & 3 and she is permitted to sell the schedule property.

Further, the minor petitioner No.2 & 3 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 & 3 in any Nationalized Bank till they attains age of majority, thereafter petitioner No.1 i.e., Smt. Bhagya N. P W/o Late. Manjunatha B. C., is entitled to enter to the sale proceedings in the name of petitioner No.2 & 3 as a minor guardian.

The office is directed to issue Guardianship Certificate in the name of Smt.Bhagya N. P W/o Late. Manjunatha B. C., 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 03th day of August – 2026)

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

ANNEXURE**A) WITNESSES EXAMINED FOR THE PETITIONER/s:-**

PW.1 : Smt. Bhagya N. P W/o Late. Manjunatha B. C

B) WITNESSES EXAMINED FOR RESPONDENT/s :- Nil.**C) DOCUMENTS EXHIBITED FOR THE PETITIONER/s:-**

Ex.P1 : RTC Extract.
Ex.P2 & 4 : Aadhar cards of the petitioners.
Ex.P5 : Paper Publication.
Ex.P6 : Copy of Sale Deed.
Ex.P7 : Death certificate of deceased Manjunatha.

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

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