

KADK200003542026



Presented on : 18-02-2026  
Registered on : 23-02-2026  
Decided on : 22-06-2026  
Duration : 03 months 26 days

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND JMFC AT  
BANTWAL, DAKSHINA KANNADA**

**Presided over by ANIL PRAKASH M.P., B.A.L., L.L.B., M.B.A.  
Prl. Senior Civil Judge & J.M.F.C., Bantwal, D.K.**

**Dated this the 22<sup>nd</sup> day of June, 2026**

**G and W.C./25/2026**

**(In the matter of appointment of guardian for person and  
property of minor, Master Punarnava Bhat, aged about 3  
years)**

**PETITIONER:**

**Mrs. Rekha Bhat**  
W/o. Late. Ishwara Bhat,  
Aged about 50 years,  
R/at. Door No.2-116,  
Kanakamajalu House,  
Idkidu Village, Ananthady Post,  
Bantwal Taluk, D.K., 574253

**(By Sri. Govinda Moorthy M, Adv.)**

**-VS-**

**RESPONDENT:**

- Nil -

**ORDER**

The petitioner by name 'Smt. Rekha Bhat' has filed this petition under Sec.7 to 10 r/w Sec.29 of Guardians and Wards Act.

2. Brief case of the petitioner is that, she is the mother of 'Punarnava Bhat', aged about 3 years and has got joint right over suit 'A' schedule property, which is an agricultural land situated over Idkidu village of Bantwal Taluk, which is far away from her place of residence i.e., Puttur and also other joint holders of the properties are residing at Puttur Taluk and for that reason she is intending to sell suit 'A' schedule property for the development of other agricultural properties and also for the purpose of education of minor.

3. Further she has submitted that her husband by name 'Sri. Ishwara Rama Bhat' died intestate on 6.09.2024 and after his death she along with her son have inherited suit 'A' schedule property and also other properties situated at Idkidu village of Bantwal Taluk in Khatha No.84.

4. Further she has submitted that originally 'A' schedule property is acquired by her father-in-law by name 'Rama Bhat' under Registered Partition Deed dated 19.12.1958 in 'document No.804/1958' and during his life time he has sold some portion

and after his death his children have inherited  $1/5^{\text{th}}$  share and whereas item No.2 is purchased by her mother-in-law by name 'Smt. Parameshwari' and she also died intestate and for that reason her husband had  $1/4^{\text{th}}$  share over the same and after his death herself and her son have jointly inherited rights over the same.

5. Further she has submitted that after death of her husband herself and her son are struggling to maintain suit 'A' schedule property and also two properties are situated at two taluk's which are far away from one another and also she is in need of money for the development of land situated at Idkidu Village and for that reason she intends to sell the same and also prospective purchaser have agreed to purchase the property only she obtains permission from the court and accordingly she has filed this petition.

6. After registration of this case public notice was issued in 'Udayavani' News Paper calling upon persons who are interested to file objection and none have appeared before this court to file objection.

7. On behalf of petitioner, she herself got examined as PW1 and has produced documents marked as Ex.P1 to P12 and closed her side.

8. Perused available materials on record, the points that arise for my consideration are:

**1. Whether the petitioner has made out grounds to grant guardianship certificate under Sec.7 to 10 r/w Sec.29 of Guardians and Wards Act ?**

**2. What order or decree?**

9. Heard arguments of Advocate for petitioner, and I have answered the above points accordingly:

**Point No.1 : In the Negative**

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

**REASONS**

10. **POINT NO.1:** In order to prove Point No.1 petitioner herself got examined as PW1 and has filed affidavit in lieu of examination-in-chief reiterating petition averments.

11. Further she has produced Ex.P1, which is the Mutation Register in Khatha No.84 which is forthcoming in the name of petitioner and Ex.P2 is the certified copy of Registered Partition Deed dated 19.12.1958, which goes to show that father-in-law of petitioner had acquired 'C' schedule property in partition and Ex.P3 is the certified copy of Registered Sale Deed dated 1.12.1995, which goes to show that mother-in-law of petitioner

by name 'Parameshwari' had purchased item No.2 from 'Marry M Pais' and Ex.P4 is the Notary copy of birth certificate of 'Master Punarnava Bhat', which goes to show his date of birth as 24.08.2022 and Ex.P5 and 6 are the notary copy of Aadhar card of petitioner and her son, which goes to show that they are residing in the address shown in the cause title of petition and Ex.P7 is the notary copy of Aadhar card of 'Ishwara Bhat' and Ex.P8 is the notary copy of ration card, which goes to show that the petitioner is the wife of 'Sri. Ishwara Bhat' and Ex.P9 is the death certificate of 'Ishwara Bhat' which goes to show date of death as 6.09.2024 and Ex.P10 is the living members certificate issued by Deputy Tahshildar, which goes to show that the petitioner is the wife and 'Master Punarnava Bhat' is the son of 'Ishwara Bhat' and Ex.P11 is the revenue record, wherein page No.4 is forthcoming jointly in the name of petitioner and her son and Ex.P12 is the Tax paid receipt.

12. Further it is not in dispute that item No.1 of suit 'A' schedule property is acquired by father-in-law of petitioner and item No.2 is purchased by mother-in-law of petitioner and her husband is dead and for that reason herself and her son have inherited share of her husband and for that reason the same is undivided interest of minor in joint family and at this stage, it is worthwhile to extract **Sec.12 of Hindu Minority and Guardianship Act**, which is as follows;

**“12. Guardian not to be appointed for minor’s undivided interest in joint family property.** - Where a minor has an undivided interest in joint family property and the property is under the management of an adult member of the family, no guardian shall be appointed for the minor in respect of such undivided interest:

Provided that nothing in this section shall be deemed to affect the jurisdiction of a High Court to appoint a guardian in respect of such interest”.

and by reading above provision it is clear that, no guardian can be appointed with respect to undivided interest of minor, which is under the management of adult member of family and to the case on hand it is not dispute that the schedule properties are undivided interest of minor and same is under the custody of adult member who is the mother of minor.

13. Further at this stage, it is worthwhile to rely on judgment of Hon’ble Karnataka High Court reported in **ILR 2007 Kar. 3641 between Sannamma and others vs. Shivanna and others** wherein it is held,

“In so far as the right of the mother who is a natural guardian to dispose of the property, the possession of the mother of the plaintiffs in the instant case is not only as a guardian but it also appears to be the case of an elderly member of the joint family and whether she could have sold the

joint family property. Of course there is a rider under S.11 to seek permission of the Court before such alienation but, however, the Apex Court in the judgment in *Narayan Bal's* case cited supra is of the view that no such permission was necessary when the entire joint family property is sold including the share of the minors. Under such circumstance, the joint family property if it is sold by the mother of the plaintiffs including her share and that of the minors, then the property has to be treated as a legal entity capable of being acted through its kartha and other adult members of the joint family in the management of the joint family property. Further, in the above cited decision, it is also observed that even S.8 will not come in the way of disposing of the undivided interest of the minors in the joint family property. However, whether there was legal necessity or not is disputed question of fact.”

and in view of the above ratio it is clear that the property under the custody of mother, who is also guardian of minor can be sold without permission of the court and for that reason the petitioner need not obtain guardianship certificate for sale of property and accordingly, I have answered **Point No.1 in the Negative.**

14. **Point No.2:** In view of my findings on Point No.1, I proceed to pass the following;

**ORDER**

The petition filed by the petitioner under Sec.7 to 10 r/w Sec.29 of Guardians and Wards Act, is hereby dismissed.

No order as to costs.

(Dictated to the stenographer directly on computer, computerized by her, corrected and then pronounced by me in the open court on this the 22<sup>nd</sup> day of June, 2026)

**(ANIL PRAKASH M.P.)**

Prl. Senior Civil Judge & JMFC.,  
Bantwal, D.K.

**ANNEXURE****List of witnesses examined for the petitioner/s:-**

PW.1 : Smt. Rekha Bhat

**List of documents exhibited for the petitioner/s:-**

Ex.P1 : Mutation Register,  
Ex.P2 : Certified copy of Registered Partition Deed  
dated 19.12.1958,  
Ex.P3 : Certified copy of Registered Sale Deed  
dated 1.12.1995,  
Ex.P4 : Notary copy of birth certificate of  
'Master Punarnava Bhat,



- Ex.P5 to 7 : Notary copy of Aadhar cards of petitioner and her son and husband  
Ex.P8 : Notary copy of ration card,  
Ex.P9 : Death certificate of 'Ishwara Bhat'.  
Ex.P10 : Living members certificate issued by Deputy Tahshildar  
Ex.P11 : Revenue record  
Ex.P12 : Tax paid receipt

**List of witnesses examined for the respondent/s**

-Nil-

**List of documents exhibited for the respondent/s:-**

-Nil-

**(ANIL PRAKASH M.P.)**

Prl. Senior Civil Judge & JMFC.,  
Bantwal, D.K.