

IN THE COURT OF PRINCIPAL SENIOR CIVIL

JUDGE & CJM., DHARWAD

G & W.C No. 241 / 2025

Present : Shri. **Venkanna B. Hosamani**,
B.Com., LL.B.,(Spl.),
Prl. Senior Civil Judge and
CJM., Dharwad.

Dated this 13th day of July, 2026

- PETITIONERS :**
1. Basavaraj S/o Danappa Ballari,
Aged: 47 years, Occ: Agriculture,
R/o Maradagi, Tq: Dharwad,
Dist: Dharwad.
 2. Kumari Nandita D/o Basavaraj Ballari,
Aged: 17 years, Occ: Student,
R/o Maradagi, Tq: Dharwad,
Dist: Dharwad.

(Since petitioner No.2 is minor
represented by her natural guardian/
father i.e., petitioner No.1.)

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

Vs.

RESPONDENT : Nil.

O R D E R

The petitioner No.1 has filed this petition U/s. 10 of the
Guardian and Wards Act, 1890 with a prayer to appoint him
as guardian of his minor son i.e., petitioner No.2 and

permission to sell the property i.e., the agricultural land bearing Sy. / Block No. 385/* measuring 01 acre 13 guntas assessed at Rs. 5.69 paise situated at Maradagi village of Amminabhavi Hobli, Tq: Dist: Dharwad. The petitioner No.2 is having undivided share in the said property.

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

The petitioner No.1 is the father of petitioner No.2 and petitioner No.2 is a minor. The agricultural land bearing Sy. / Block No. 385/* measuring 01 acre 13 guntas assessed at Rs. 5.69 paise situated at Maradagi village of Amminabhavi Hobli, Tq: Dist: Dharwad is fallen to the share of father of petitioner No.2 and his brothers. The said property is the joint family property standing in the name of petitioner No.1 and his siblings. The petitioner No.2 is having birth right in the said property.

3. It is further contended that, the petitioner No.1 and his siblings are intend to sell the said property to the purchaser. The purchaser of the said property insisted them to get certificate from the Court to avoid the future complications with regard to the share of petitioner No.2.

4. The petitioner No.1 being the father of petitioner No.2, is a fit and proper person to be appointed as guardian of the person and to take of the property of the minor petitioner No.2. That the petitioner No.1 is intending to sell the above said property for the welfare, education and other purposes of the petitioner No.2 and that no previous application has been filed before any Court seeking appointment of guardian for the minor. The cause of action arose for filing this petition when the intending purchaser requested the petitioner No.1 to take the necessary guardian and wards certificate i.e., on last week of August 2025. Hence he intends to alienate the said property. Hence in the interest of better future of minor it is necessary to alienate the above said property. Hence, this petition.

5. After registration of the case, as per the memo dated 30/01/2026 the learned counsel for the petitioners has filed paper publication, which was issued in Kannada daily newspaper i.e., Samyukta Karnataka dated 21-12-2025 calling for objections, if any. Nobody has appeared as respondent nor filed any objections.

6. Petitioner No.1 has filed his affidavit in lieu of examination-in-chief and examined himself as P.W.1 and got marked 04 documents as per Ex.P1 to P4 and closed his side evidence.

7. Earlier my learned predecessor-in-office has heard the arguments and posted for orders on 25/04/2026 and on 25/04/2026 he observed as below:

“For the effective disposal of the case concerned it required further clarification having regard to presence of the persons and their names reflected in RTC and the name of minor as referred in the petition is not reflected in RTC. Hence, necessary order not passed”.

In spite of sufficient opportunities given to the petitioners, their counsel has not appeared before this Court and canvassed the arguments. Hence, the arguments of petitioners side taken as nil.

8. I have examined the material placed on record.

9. The points that arises for my consideration and determination are as under:

1. Whether the petition filed by the petitioners deserves to be allowed?

2. What order?

10. My answers to the above said points are as under:

Point No.1 : In the negative.

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

REASONS

11. **Point No.1:** The petitioner No.1 has filed his affidavit in lieu of examination in chief and reiterated the averments of Petition and got marked 4 documents as per Ex.P.1 to P4. Ex.P3 is the notarized copy of Aadhar card of petitioner No.1 Basavaraj. Ex.P4 is the notarized copy of Aadhar card of petitioner No.2 Nandita. Ex.P2 is the birth certificate of the petitioner No.2 Nandita. On perusal of the Ex.P3 and P4, it discloses that the petitioner No.2 Nandita born on 30/12/2008 and father name is Basavaraj Ballari. There is no dispute with regard to the relationship between the petitioners No.1 and 2.

12. Ex.P1 is the record of rights for the year 2025-26 of Sy. No. 385/* measuring 01 acre 39 guntas situated at Maradagi village of Dharwad Taluk standing in the name Smt. Basavva W/o Danappa Ballari, Smt. Dyamakka W/o Yallappa Byahatti, Smt. Iravva W/o Ningappa Bullannavar, Sri.

Basavaraj S/o Danappa Ballari (petitioner No.1) and Smt. Shantavva W/o Budappa Hosamani jointly. Mode of entry of their names by succession by virtue of death of their propositus.

13. The petitioner No.1 himself stated that the property shown in Ex.P1 is the joint family property and himself and his other siblings are joint owners of the said property. The petitioner No.1 is having an authority to alienate the joint family property for the benefit of minors and welfare of the family and also he is at liberty to alienate the said property for the family legal necessity. Except the record of rights the petitioners have not furnished any documents to show that the property is an ancestral property and also standing in the name of petitioner No.2. Hence, I am of the opinion that it is not just and proper to allow this application. Under all these circumstances, I answer point No.1 **in the Negative**.

14. **Point No.2:** In the light of discussion made above, I proceed to pass the following,

ORDER

Petition filed by the petitioners U/s. 10 of Guardian and Wards Act, 1890 is hereby dismissed.

No order as to costs.

(Dictated to the stenographer, directly on computer system, then corrected, signed and pronounced by me in the open Court on this 13th day of July 2026)

(Venkanna B. Hosamani)
Prl. Senior Civil Judge &
CJM.,Dharwad.

ANNEXURE

I: List of witnesses examined on behalf of petitioners:

P.W.1 : Basavaraj S/o Danappa Ballari.

II: List of witnesses examined on behalf of respondent:

-NIL-

III: List of documents exhibited on behalf of petitioners:

Ex.P1 : RTC extract
Ex.P2 : Birth certificate of petitioner No.2
Ex.P3 & P4 : Notarized copies of Aadhar cards of
petitioners.

IV: List of documents exhibited on behalf of respondent:

-NIL-

(Venkanna B. Hosamani)
Prl. Senior Civil Judge &
CJM.,Dharwad.