



IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL  
JUDGE & J.M.F.C., HUBBALLI

*Present:*  
SMT. SARVAMANGALA K.M.,  
B.A. LL.B.,  
I Addl. Senior Civil Judge & J.M.F.C., Hubballi.

**G & Wc. No.89/2026**

Dated this the 02<sup>nd</sup> day of July, 2026

Petitioner/s : Smt. Rajeshwari W/o  
Fakkirappa  
Danammanavar,  
Age:25 years,  
Occ:Household work,  
R/o.Kurdikeri,  
Post:Karadikoppal,  
Tq:Hubballi,  
Dist:Dharwad.

(By Sri. B.F. Antal, Advocate)

**Vs.**

Respondent/s : N I L

\*\*\*\*\*

**ORDER**

*This Petition is filed by the Petitioner under  
Section 10 and 29 of the Guardians and Wards  
Act, 1890 praying to appoint petitioner as a*



*guardian of her minor daughter i.e., Rachana D/o Fakkirappa Danammanavar and also permit them to alienate the suit property including share of minor daughter.*

**2. In brief, the case of the Petitioner is as under;**

*The petitioner is the mother and natural guardian of minor child Rachana D/o Fakkirappa Danammanavar. The minor is the co-owner of the agricultural land bearing survey No.59/6B measuring 10 gutnas situated at Kurdikeri Village, Hubballi Taluk and the said property is jointly standing in the name of petitioner and her minor daughter. The minor has right, title and interest over the said property. The said property is an ancestral property. It is further submitted that the sale of the schedule property has necessary for legal necessity and for the welfare and benefit of the minor for educational expenses for purchases a better property, the schedule property is not yielding any income and it is unable to cultivation of the property. Hence, this petition and prayed to allow the petition.*



3. The petition notice has been issued by way of paper publication in Daily Kannada Newspaper 'Hosadigantha' and after publishing the petition notice, no one appeared before the court to contest the petition on the date of appearance of the respondent. Hence, the petition filed by the petitioner remained uncontested.

4. In support of the petition, the petitioner filed affidavit in lieu of examination-in-chief and got marked 06 documents as Ex.P.1 to P.06 and P.6(a) and closed her side of evidence.

5. Heard arguments.

6. The following points arise for my consideration :

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

2. What Order ?

7. My answers to the above points are as follows :

Point No.1 : In the affirmative

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



### **REASONS**

8. **POINT No.1:** *It is the specific case of the petitioner that, the petitioner is the mother and natural guardian of minor child Rachana D/o Fakkirappa Danammanavar. The minor is the co-owner of the agricultural land bearing survey No.59/6B measuring 10 gutnas situated at Kurdikeri Village, Hubballi Taluk and the said property is jointly standing in the name of petitioner and her minor daughter. The minor has right, title and interest over the said property. The said property is an ancestral property. It is further submitted that the sale of the schedule property has necessary for legal necessity and for the welfare and benefit of the minor for educational expenses for purchases a better property, the schedule property is not yielding any income and it is unable to cultivation of the property.*

9. *In order to substantiate the contention of the petition, the petitioner got herself examined as PW.1 and she has produced documents, which are marked as Ex.P.1 to P.6 and P.6(a).*



*The Ex.P.1 and P.2 are the Aadhaar Cards of the petitioner and Rachana Fakkirappa Danammanavar, which discloses that she born on 19.12.2022 i.e., she is still minor. Ex.P.3 is the death certificate of Fakkirappa Tippanna Danammanavar, which discloses that he died on 06.07.2024. Ex.P.4 is the Surviving Family Members Certificate. Ex.P.5 is the Record of Rights bearing survey No.56\*/6B measuring 10 guntas situated at Kuradikeri Village, Hubballi Taluk, which is standing in the name of petitioners and others. Ex.P.6 and P.6(a) are the paper publication and its receipt.*

*10. This Court has gone through all the documents produced by the petitioner and her examination in chief, it is noticed to the Court that, admittedly the petition schedule property bearing survey No.56\*/6B measuring 10 guntas situated at Kuradikeri Village, Hubballi Taluk, which is standing in the name of petitioners and others. The petitioner is the natural guardian mother of the minor daughter i.e., Rachana D/o Fakkirappa Danammanavar because of financial difficulties it has become difficulty to maintain*



*and run the family that too especially with growing daughter and her educational expenses and other basic requirements of the family. The retention of the land has become fruitless and impractical. Under these circumstances, the situation has led the petitioner to dispose of the said land for the welfare of the minor daughter and family members and for the family legal necessities as the petitioner has to give better education and bright future to the daughter and perform other duties towards the grown-up daughter. The day to day needs of the daughter and to give her a healthy life with hygiene and respectable living, the requirement of financial arrangement has put the petitioner to more pressure for the betterment of the daughter and family members, under the process of alienating the property, to avoid any further and future disparities and technical default in compliance of the need and requirement under the law in respect of the interest of the minor daughter and any technicalities to be raised at the later stage the petitioner is necessitated to file this petition and on the other hand, there is no alternate for*



*the petitioner other than to sell and dispose of the said agricultural land. Therefore, the petitioner is constrained to file this petition seeking the permission of this Court for the sale of minor's undivided share in property by appointing her as guardian of the person and the property of her minor daughter. That is the reason why, the petitioner, next friend of the minor daughter have decided to dispose of the property and share the sale consideration. At this stage the court has to verify the above averments made by the petitioner is bonafide one or not. Admittedly property cannot be enjoyed conveniently, so next course open to the sharers to dispose of the property and divide the same. Under such circumstances, one cannot find malafideness on part of next friend of minor.*

*11. Apart from the above, the next friend of the minor have also pleaded that, in order to meet educational expenses and day today expenses of the minor, it is necessary to sell the property. The said ground urged by the guardian of the petitioner cannot be said that illegal and on the other hand alienation going to be made by*



*the next friend of the minor is for legal necessity. Further the next friend of the minor is utilizing the share of the minor and thereby interest of the minor is also protected. Hence, it is fit case to accord permission.*

*12. Admittedly the next friend of the minor is having share in the petition mentioned property, therefore as per the reported ruling of our Hon'ble High Court reported in **2006 (2) KLJ 67 in the matter of A.Chidananda (deceased) by L.Rs) & another V/s Smt.Lalitha.V.Naik**, wherein the Hon'ble Court pleased to hold that:*

*“Nonetheless the natural guardian remains a guardian of the minors in other sense also. It is also emphasized that natural guardian who has a share in the property along with the minors undivided interest in the property is legally competent to alienate the property as a whole”.*

*The said ruling is aptly applicable to the case on hand, because as admitted by the next friend of minor is also share in the petition schedule*





*property, petitioner as well as their next friend are having share. Under the above facts and circumstances, there is no hurdle in law to grant permission as sought by the guardian of the minor. Hence, in view of the discussion made in supra I answer **point No.1 in the affirmative.***

13. **Point No.2:** *for the findings given on point No.1, I proceed to pass the following:*

### **ORDER**

*The Petition filed by the petitioner under Section 10 and 29 of Guardian and Wards Act, 1890 is hereby allowed.*

*The petitioner is hereby appointed as guardian to the minor daughter i.e., Rachana D/o Fakkirappa Danammanavar to look after her welfare and to sell the property, subject to condition that share amount of the minor is to be kept as F.D. in her name till she attains majority and directed to produce the F.D. bond before the Court and utilized the interest amount thereon*



*to the interest of the minor, otherwise  
said sale is not binding on the minor.*

*Issue guardianship certificate as  
per order.*

*(Dictated to the Stenographer directly on  
computer, script corrected and then pronounced by  
me in the Open Court on this the **02<sup>nd</sup> day of July,  
2026**)*

*(Smt. Sarvamangala K.M.)  
I Addl. Senior Civil Judge & J.M.F.C.,  
Hubballi.*

### **ANNEXURES**

1. List of witnesses examined for the Petitioner/s:

P.W.1 : Smt. Rajeshwari W/o  
Fakkirappa Danammanavar.

2. List of documents exhibited for the Petitioner/s:

Ex.P.1 & P.2 : Aadhaar Cards.

Ex.P.3 : Death Certificate of  
Fakkirappa Tippanna  
Danammanavar.

Ex.P.4 : Surviving family members  
certificate.

Ex.P.5 : Record of Rights.



*Ex.P.6 : 'Hosadigantha' Kannada newspaper.*

*Ex.P.6(a) : Receipt.*

*3.List of witnesses examined for the respondent/s:*

*NIL*

*4.List of documents exhibited for the Respondent/s:*

*NIL*

*(Smt. Sarvamangala K.M.)  
I Addl. Senior Civil Judge & J.M.F.C.,  
Hubballi.*