

KADW310000312026



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,  
KALAGHATAGI**

**PRESENT**

**SRI. RAVINDRA L.HONOLE,**

**B.A., LL.B. (Spl)**

**SENIOR CIVIL JUDGE & JMFC, KALAGHATAGI**

**DATED THIS 23<sup>RD</sup> DAY OF MARCH 2026**

**G & W.C.No.11/2026**

**PETITIONERS:**

1. Smt. Poornima W/o Shivakumar Mathad,  
Age: 40 years, Occ: Household work,  
R/o No. 80/e/1/1, Umashankar Nilaya,  
Vidyagiri, Hondada Veerabhadreshwar Nagar,  
Dharwad.
2. Pratham S/o Shivakumar Mathad,  
Age: 12 years, Occ: Student,  
R/o No. 80/e/1/1, Umashankar Nilaya,  
Vidyagiri, Hondada Veerabhadreshwar Nagar,  
Dharwad.  
(Since minor, R/by her mother i.e., petitioner  
No.1.)
3. Rajashekharayya S/o Shankrayya Mathad,  
Age: 51 years, Occ: Doctor,  
R/o Mathikere, Bengaluru-54

**(Smt. N.I.Malapur, Adv)**

**Vs**

**RESPONDENT:**

--Nil--

**ORDER**

Petitioners have filed the present petition U/s 8 and 9 of Hindu Minority and Guardian Act R/w Sec.7 of Guardians and Wards Act praying for appointing petitioner No.1 as guardian for the minor petitioner No.2 and also for grant of permission to sell the petition schedule property.

2. Case of the petitioners in brief is as under.

The petitioner No.1 is the mother and petitioner No.2 is the son. The petitioner No.3 is the brother-in-law of petitioner No.1 and uncle of petitioner No.2. The husband of petitioner No.1 and father of petitioner No.2 by name Shivakumar S/o Shankrayya Mathad died on 24.02.2024 at MIOT hospital, Chennai due to ill-health. It is submitted that petitioner No.1 is house wife and need of money for minor son who is studying and pay the money of hospital bills incurred for treatment of her husband. The petitioners intends to sell the petition schedule property bearing R.S.No.41/2B measuring 3 acre 26 guntas out of it 2 guntas pot kharab

situated at Belavantar village, taluk Kalaghatagi. Petitioner No.1 is unable to maintain the property and petitioner No.3 is residing at Bengaluru and having cronic medical condition. The petitioners are the joint owners and possessors of petition schedule property. The petitioner No.1 and 2 having  $\frac{1}{2}$  and share and petitioner No.3 is having  $\frac{1}{2}$  share. The petitioners intends to sell the petition schedule property for which minor petitioner No.2 interest is involved. It is submitted that they are ready to abide the condition imposed by the court. Hence, prays for appointing petitioner No.1 as guardian of minor petitioner No.2 and permit the petitioner No.1 to sell the petition schedule property.

3. After registering the petition, notice was issued to the interested persons to appear and contest the matter through paper publication in Kannada Prabha Kannada daily newspaper published on 10.02.2026. After paper publication, nobody has appeared before this Court and filed any objections.

4. The petitioner No.1 stepped into witness box and got examined as PW.1 and got marked documents as Ex.P.1 to 4.

5. Heard the arguments.

6. The points arise for my consideration are:
1. Whether the petitioner No.1 is competent person to be appointed as a guardian for the minor petitioner No.2 ?
  2. Whether the petitioner No.1 has made out sufficient grounds to permit her to sell the petition schedule property for the benefit of the minor petitioner No.2 ?
  3. What order?
7. My findings on the above points are:

**POINT No. 1** : In the Affirmative

**POINT No. 2** : In the Affirmative

**POINT No. 3** : As per the final order  
for the following:

### **REASONS**

8. **POINTS No.1 & 2**: It is the case of the petitioners that, petitioner No.1 is the mother and petitioner No.2 is the minor son and he was under care and custody of petitioner No.1. The petition schedule property was belongs to husband of petitioner No.1 and father of petitioner No.2 and brother of petitioner No.3. Now the name of petitioner No.1 and 2 were jointly appearing in the revenue records along with petitioner No.3. It is submitted that they are in need of money for their maintenance and to bare the educational expenses of petitioner No.2 and medical expenses. Therefore, prays for allowing the petition.

9. The petitioner No.1 stepped into witness box and got examined as PW-1. In her evidence affidavit filed in the form of examination-in-chief reiterated the contents of petition averments. In support of their case got marked Ex.P-1 to 4. Ex.P-1 is the death certificate of Shivakumar Mathad issued by Greater Chennai Corporation reveals that Shivakumar died on 24.02.2024 at hospital. Ex.P.2 is the study certificate of petitioner No.2 who was born on 03.11.2013. Ex.P.3 is the birth certificate of petitioner No.2 dated 03.11.2013. Ex.P.4 is the RTC of Sy.No.41\*/2B measuring 3 acre 26 guntas out of it 2 guntas pot kharab jointly standing in the name of petitioners situated at Belavantar village. The material evidence on record establishes that as on the date of petition the petitioner No.2 was minor and he was under care and custody of his natural guardian mother petitioner No.1.

10. The documents produced by the petitioners establishes that originally petition schedule property belongs to the family of petitioners. The petitioners intends to sell the petition schedule property for their livelihood and to bear the education expenses of petitioner No.2 and medical expenses of petitioner No. 3. Since right and interest of minor

petitioner No.2 is involved in the property the petitioner No.1 cannot execute the sale deed in respect of the petition property without permission of the Court. As discussed above, in my opinion, to sell the petition property and to utilize the amount for the welfare and education of the minor petitioner No.2 is necessary. The petitioner No.2 is the minor and student who is under care and custody of petitioner No.1, there is no any conflicting interest between the petitioner No.1 and the minor petitioner No.2. Therefore, I am of the opinion that the petitioner No.1 is the competent and proper person to be appointed as a guardian for the minor petitioner No.2 and she has made out sufficient grounds for permitting her to sell the petition schedule property for the benefit and welfare of the minor petitioner No.2 . Hence, I answer Points No.1 and 2 in the Affirmative.

11. **POINT No.3:** As discussed above, court proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 8 and 9 of Hindu Minority and Guardian Act, 1956 r/w. Sec. 7 of Guardian and Wards Act, 1890 is hereby allowed.

Petitioner No.1 Smt. Poornima Shivakumar Mathad is hereby appointed as a guardian for the minor petitioner No.2 by name Pratham S/o Shivakumar Mathad.

The petitioner No.1 is hereby authorized to sell the petition schedule property land bearing Sy. No.41/2B measuring 3 acre 26 guntas out of it 2 guntas pot kharab situated at Belavantar village, taluk Kalaghatagi and to do any needful act for the benefit and in the better interest of the minor petitioner No.2.

The sale amount shall be utilized for the benefit and welfare of the minor petitioner No.2.

Issue necessary Guardianship Certificate after collecting necessary court fee.

(Dictated to stenographer directly on computer, computerized by him, then corrected and pronounced by me in open court on this **23<sup>rd</sup> day of March, 2026**)

**(R.L.HONOLE)**  
**SR.CIVIL JUDGE & JMFC,**  
**KALAGHATAGI**

**ANNEXURE**

**WITNESSES EXAMINED FOR PETITIONER:**

P.W.1 : Smt. Poornima W/o Shivakumar Mathad

**DOCUMENTS EXIBHITED FOR PETITIONER:**

Ex.P.1 : Death certificate of Shivakumar Mathad

Ex.P.2 : Study certificate of petitioner No.2

Ex.P.3 : Birth certificate of petitioner No.2

Ex.P.4 : RTC

**(R.L.HONOLE)**  
**SR.CIVIL JUDGE & JMFC,**  
**KALAGHATAGI**