



**IN THE COURT OF THE PRINCIPAL SENIOR  
CIVIL JUDGE AND CJM, AT. HAVERI**

**:PRESENT:**

**Sri.Mahammad Anwar Hussain Mogalani**  
**B.Sc., L.L.B. (Spl)**  
Prl.Senior Civil Judge & CJM,  
Haveri

**DATED THIS 06<sup>th</sup> DAY OF JUNE -2026**

**G & WC No.05/2025**

**PETITIONERS;**

1. Smt. Laxmavva  
W/o Ramesh Negalur,  
Age: 45 years,  
Occ: Agriculture,  
R/o: Guttal,  
Tq: Dist: Haveri.
2. Nirmala D/o Ramesh Negalur,  
Age: 12 years 08 months,  
Occ: Student,  
R/o: Guttal,  
Tq: Dist: Haveri.



(Since petitioners No.2 is minor  
Represented by her mother  
natural guardian i.e.,  
petitioner No.1)

**(By Sri V.V.S., Advocate)**

**//Vs.//**

**RESPONDENTS:**

**NIL**

**ORDERS ON MAIN PETITION FILED U/Sec.7, 8  
& 29 OF GUARDIAN AND WARDS ACT -1890.**

The petitioners have filed this petition U/Sec.7,8 & 29 of the Guardian and Wards Act -1890 to appoint the petitioner No.1 as a guardian to the minor petitioner No.2 for alienating the suit schedule property as stated in the petition for the welfare of minor petitioner No.2.



2. After institution of this petition the petitioner No.1 has taken paper publication against any respondents in the daily Kannada news paper **Hosa Diganta** dated 19.08.2025, after taking the said publication in the news paper no respondents appeared in this case to resist the case of the petitioners.

3. Thereafter heard learned advocate for petitioners and following points are arises for my consideration:

|                     |                                                                                                                        |
|---------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Point No.1:-</b> | Whether petitioners have made out sufficient grounds that as they are entitle for the reliefs claimed in the petition? |
| <b>Point No.2:-</b> | What order?                                                                                                            |

4. My answers to the above said points are as follows:-



Point No.1 : In the Affirmative

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

**-: R E A S O N S :-**

5. **Point No.1:-** In the petition the petitioner No.1 has stated that she is the natural mother of minor petitioners No.2. Further it is contended in the petition that the property bearing RS No.143/3 measuring to the extent of 02 acres 09 guntas situated at Guttal village Tq: Haveri belongs to the father of minor petitioner No.2 and husband of petitioner No.1. The father of minor petitioner No.2 and husband of petitioner NO.1 namely Ramesh S/o Basappa Negalur he was died on dated 02.12.2019 in the KIMS hospital Hubballi due to his Chronic ill-health. After the death of Ramesh the petitioner No.1 is looking after the maintenance of her family and children. After the death of Ramesh the petitioner No.1 becomes head of the family of minor



petitioner No.2 in respect of suit properties which is in the joint possession of petitioner No.1 and minor petitioner No.2, after the death of father of minor petitioner No.2 all the responsibility of the minor petitioner No.2 is looking after and maintaining by the petitioner No.1 for giving the proper education and the health condition of minor petitioner NO.2 and the petitioner No.1 is looking after the all basic needs of minor petitioner No.2 for that reasons during the life time of Ramesh he was looking after the all maintenance of the family. Now after his death for proper maintenance of the family in the welfare of minor petitioner No.2 it is just and necessary to alienate the suit property as stated above for spending money to the welfare of minor petitioner No.2. For that reason petitioner No.1 has to be appointed as guardian of minor petitioner No.2 who is natural mother of minor petitioner No.2.



6. In order to substantiate the facts that petition schedule property bearing Sy. no.143/3 situated at Guttal Tq: and Dist: Haveri is standing in the name petitioner No.1 and in the name of minor petitioner No.2. As per Ex.P.2 the minor petitioner No.2 is studying in fourth standard at Guttal. The petitioner No.1 has produced her original Aadhar card to show the name and address of petitioner No.1 and as per Ex.P.4 the petitioner No.1 has produced original adhar card of minor petitioner No.2.

7. As per Sec.7, 8 and 29 of Guardian and Wards Act it is clearly stated that if mother is alive after the death of father of minor petitioner No.2 her mother becomes the class-I legal heir of minor petitioner No.2, after the death of Ramesh who is husband of petitioner No.1, this petitioner No.1 is maintaining her family by spending the money by doing other works instead of having the landed



properties jointly existed, from the income of the said work maintenance of family of petitioner No.1 is not possible and when the petitioner NO.1 even the petitioner No.1 and minor petitioner No.2 along with petitioner No.2 are in possession of the petition scheduled property but the petitioner No.1 has given the petition scheduled property for cultivation on the lease basis to other agriculturist and whatever the amount received by petitioner No.1 presently she is maintaining her family. In view of that for the higher study of minor petitioner No.1 and looking after her health and other family necessities it is just and necessary to alienate the petition schedule property for the welfare of minor petitioner No.2 as a natural guardian of minor petitioner NO.2. If once this petition is not allowed the petitioners will be put to untold hardship that cannot be compensated in terms of money and if once the petitioner No.1 who being the natural



mother of minor petitioner No.2 is not appointed as guardian of minor petitioner No.2 the petition schedule property will not come in to help of maintaining the family by the petitioner No.1 and also to look after and taking responsibility for giving proper education and maintaining good health of minor petitioner No.2 it is just and necessary to appoint the natural mother petitioner No.1 as a guardian of petitioner No.2 for alienating the petition scheduled property. By looking in to the documents Ex.P.1 to P9 it appears that the petition scheduled property belongs to husband of petitioner NO.1. Hence in the welfare of minor petitioner No.2 there are no hurdles to appoint the petitioner No.1 as a natural guardian of minor petitioner No.2 to alienate the petition scheduled property as stated in the petition. In view of that the point No.1 is answered in the **Affirmative.**



8. **Point No.2:-** As per the reasons stated in the Point No.1, I proceed to pass following:-

**-:O R D E R:-**

The petition filed by the petitioners U/Section.7, 8 & 29 of Guardian and Wards Act-1890 is hereby allowed.

The petitioner No.1 natural mother of the minor petitioner No.2 is hereby appointed as a guardian of minor petitioner No.2 to alienate the petition scheduled property bearing RS No.143/3 measuring 02 acres 09 guntas situated at Guttal village, Tq: and Dist: Haveri in the welfare of minor petitioner No.2.



No order as to costs.

*(Dictated to the Stenographer directly on computer, typed by her, corrected and signed by me, then pronounced in the open court on this the **06.06.2026**).*

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)**  
**PRL. SENIOR CIVIL JUDGE & CJM,**  
**HAVERI**

**-: A N N E X U R E :-**

**List of witnesses examined for the petitioner:**

P.W.1 : Laxmamma Negalur

**List of documents exhibited for the petitioner:**

Ex.P.1 : RTC extract

Ex.P.2 : School study certificate

Ex.P.3 and 4 : Aadhar cards of petitioners

Ex.P.5 : RTC extract



Ex.P.6 : Hosa Diganta news paper

Ex.P.7 : Death certificate

Ex.P.8 : Genealogy

Ex.P.9 : Marriage Invitation card

**List of witnesses examined for the respondent:**

-Nil-

**List of documents exhibited for the respondent:**

-Nil-

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)  
PRL.SENIOR CIVIL JUDGE & CJM,  
HAVERI**