

KAMS500006432025



**IN THE COURT OF SENIOR CIVIL JUDGE,
NANJANGUD**

Present : **Sri. Kamalaksha D.,** B.A., LL.B.,
Senior Civil Judge & JMFC,
Nanjangud.

Dated this the 2nd day of April 2026

G and WC/27/2025

Petitioner

S.Shylaja D/o late Subbanna S.,
aged about 50 years,
residing at No.B-45, B.M.Layout,
Srikanteshwara Nagar,
Nanjangud Town.

(By Sri. C.L.Basavaraju, Adv.)

-V/s-

Respondent

Girish N. S/o late Narasimhaiah D.
aged about 50 years,
residing at No.20 and 22,
Mariyappana Palya,
Kempamma Layout, Jnana Bharathi,
Bengaluru-500056.

(Absent)

ORDER

The petitioner filed this petition under Section 10 of the Guardian and Wards Act, seeking to appoint petitioner as guardian of minor child Samrith.

2. Brief facts are as follows:

The petitioner and respondent were married couple and their marriage was solemnized on 18.10.2012 in Yoganarasimhaswamy Temple at Mysuru as per Hindu customs in the presence of well-wishers and family members. Thereafter a male child born on 16.10.2013 and named as Samrith. After the birth of child the respondent went away from the house, thereafter he neglected the petitioner and his child continuously for last 11 years. Then the petitioner started to live with her parents' house along with her minor child. The petitioner herself looking after the welfare and bringing up the child. Now, he is studied in 6th standard. The marriage of the petitioner and respondent was dissolved as per M.C.No.26/2021 by this court through the judgment dated 09.06.2022

and the said judgment was not challenged. It is further submitted that the petitioner about to file application to get passport in the name of her child, but the passport office advised to get custody certificate from the concerned court. Hence, this petition.

3. In pursuance of notice the respondent did not appear before the court and remained absent.

4. In order to get the relief, the petitioner examined herself as PW-1 and got marked Exs.P.1 to 5.

5. Heard the learned counsel for the petitioner. Perused the pleadings, evidence and materials placed on record.

6. The points that arise for consideration are as follows:-

1. Whether the petitioner is the lawful guardian of her minor child?
2. What order?

7. The findings on 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:-** The replica of the petition averments indicates that marriage of the petitioner with the respondent was performed in the year 2012, thereafter the child was born on 16.10.2013, then the respondent went away from the house and completely neglected to maintain the petitioner and her child. The marriage of the petitioner and respondent was dissolved as per M.C.26/2021. The said judgment of this court stands intact, because it is not challenged. The petitioner has produced 5 documents. Ex.P.1 is the certified copy of judgment of M.C.26/2021; Ex.P.2 is the letter issued by the Regional Passport Office, Bengaluru comes under the Ministry of External Affairs; Ex.P.3 is the birth certificate of the petitioner; Ex.P.4 is the school certificate of the child and Ex.P.5 is the study certificate. Suppose the

respondent looking after the child or the minor child is in the custody of the respondent he would have appeared to negate the claim of the petitioner, but the respondent inspite of service of notice not appeared. Therefore, it shows that the respondent is not interesting with the custody of the child or other welfare of the child etc. Suppose if petition is dismissed it would definitely cause injustice to the petitioner, because the relief to declare the petitioner as the guardian of the child is very much required in future. Hence, **point No.1** is answered **in the affirmative**.

9. **Point No.2:** In view of findings on point No.1, this Court proceeds to pass the following:-

ORDER

The petition filed by the petitioner under Section 10 of Guardian and Wards Act is allowed.

The petitioner is entitled to maintain and look after her minor child i.e., Samrith and she is declared as guardian of the minor child.

Office is directed to issue guardian certificate in favour of the petitioner to act as guardian on behalf of the minor child Samrith.

No order as to cost.

(Dictated to the Stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in open Court on this the 2nd day of April 2026).

(Kamalaksha D.)

Senior Civil Judge, Nanjangud.

ANNEXURE

List of witnesses examined for the Petitioners :-

P.W.1 - S.Shylaja

List of documents marked for the petitioners :-

Ex.P.1 - Certified copy of judgment and decree in M.C.26/2021
 Ex.P.2 - Letter dated 09.05.2025 issued by Ministry of External Affairs, Regional Passport Office, Bengaluru
 Ex.P.3 - Birth certificate of son of P.W.1
 Ex.P.4 - School certificate of son of P.W.1
 Ex.P.5 - Study certificate of son of P.W.1

List of witnesses examined for the Respondent/s :-

NIL

List of documents marked for the Respondent/s :-

Nil

Senior Civil Judge, Nanjangud.