

In the Court of Sh.Ranjeev Pal Singh Cheema, Additional Civil Judge (Senior Division),-Cum-Guardian Judge, Baba Bakala Sahib, District Amritsar.

GW/01/2018
CNR No.PBASB00000282018
Guardian Case no. 01
Instituted on: 19.1.2018
Date of Decision:7.8.2018.

Balveer Kaur aged 33 years widow of Ranjit Singh, resident of village Padde, Tehsil Baba Bakala, District Amritsar.

.....Petitioner.

Versus

General Public.

.....Respondent.

Petition under Section 6 of Guardian and Wards Act read with Section 8 of the Hindu Minority and Guardianship Act for appointing the petitioner as a guardian of minor Ramanpreet Kaur (date of birth 4.2.2005), Amanpreet Kaur (date of birth 21.7.2009) daughters of deceased Ranjit Singh and Gurkarandeep Singh (date of birth 19.2.2011) son of deceased Ranjit Singh for permission to sell the land measuring 10 Kanal 3 Marla out of land measuring 61 Kanal 11 Marla consisting of Khasra No.8/23 (7-11), 8/24(8-0), 8/25/1 (5-8), 16/2 (6-2), 16/3/1 (3-18), 16/3/2 (2-15), 16/4/1 (1-15), 16/4/3 (1-10), 16/7 (1-7), 16/26 (0-8), 63/4(0-2), 63/5 (0-2), 79 (1-2), 17/5/2 (1-6), Khewat Khatuni No.80/149-150, Khasra No.16/1 (9-2), Khewat Khatuni No.81/151, Khasra No.8/21/2 (3-12), 8/22 (7-11), Khewat Khatoni No.82/152 as per jamabandi for the year 2014-2015 situated at village Padde, Tehsil Baba Bakala Sahib, District Amritsar for the welfare and benefit of the minors.

Present:-Sh. VKS Malhotra, Advocate, counsel for petitioner.

Respondent exparte.

ORDER:

1. Brief facts of the present petition are that the present petition has been filed by the petitioner against the respondent on the averments that petitioner was married with Ranjit Singh and out of their wedlock two female child namely Ramanpreet Kaur, Amanpreet kaur and one male child namely Gurkarandeep Singh were born and at present they are residing with petitioner. Ranjit Singh husband of petitioner had died on 6.6.2015 and after his death, mutation has been sanctioned in favour of petitioner and minors, vide mutation No.847 dated 9.12.2015. The minors are co-sharers to the extent of land measuring 10K-3M out of the land measuring 61K-11 marlas. The petitioner intend to sell the land of the minors for the better future of the minors and to give them higher education. It is averred that the land measuring 10K-3M, which is in the name of minor exists in different three Khewats and joint with other co-shares and has not been partitioned so far. The minors are not in possession of the same, but the same is under possession of other co-sharers and as such it is difficult for them to get cultivate the land of their share. The land of the minors are not yielding any income because the land is in possession of other co-sharers. The petitioner will not misuse the sale proceeds so received by her by selling the land of minors. The petitioner undertakes to deposit the sale amount in the name of minors

after selling the land of minors in a Nationalized bank in the shape of FDR till their majority. The petitioner is a real mother and natural guardian of the minors and as such she be appointed as guardian of minors. Hence this petition.

2. Notice of this petition was served to respondent General Public through publication in newspaper. However, none has appeared on behalf of respondent General Public to contest the claim of petitioner and as such respondent was proceeded against exparte, vide order dated 19.3.2018.

3. In order to prove her case, petitioner Balveer Kaur appeared in the witness box as AW1 and tendered her duly sworn affidavit Ex.AW1/A, wherein she reiterated the facts mentioned in the petition. She also placed on file attested copy of birth certificate of Ramanpreet Kaur as Ex.P1, attested copy of birth certificate of Amanpreet Kaur as Ex.P2, attested copy of birth certificate of Gurkarrandeep Singh as Ex.P3, attested copy of death certificate of Ranjit Singh as Ex.P4. Her version is corroborated by PW2 Udham Singh Numberdar of village Padde, Tehsil Baba Bakala Sahib, District Amritsar. Thereafter learned counsel for the petitioner closed the exparte evidence.

4. I have heard the ld.counsel for the petitioner and have gone through the documents placed on file very carefully. While appearing in the witness box, as AW1 Balveer Kaur petitioner, reiterated her version as taken in the petition. Perusal of the revenue records including fard hakikat

shows the ownership of minor qua property mentioned in petition. Further relationship of petitioner with minors have also proved by PW2 Udham Singh numberdar of village Padde, Tehsil Baba Bakala Sahib, District Amritsar. Notice was also issued to General Public but none appeared to raise objections and as such it cannot be said that conduct of Balveer Kaur is suspicious or against the minors. Petitioner Balveer Kaur is natural guardian and mother of minors and as such, she can seek better prospectives for her minor children and their properties. As such, present petition is allowed and petitioner Balveer Kaur, is appointed as guardian of minors Ramanpreet Kaur, Amanpreet Kaur and Gurkarandeep Singh with the permission to sell the land measuring 10 Kanal 3 Marla out of land measuring 61 Kanal 11 Marla consisting of Khasra No.8/23 (7-11), 8/24(8-0), 8/25/1 (5-8), 16/2 (6-2), 16/3/1 (3-18), 16/3/2 (2-15), 16/4/1 (1-15), 16/4/3 (1-10), 16/7 (1-7), 16/26 (0-8), 63/4(0-2), 63/5 (0-2), 79 (1-2), 17/5/2 (1-6), Khewat Khatuni No.80/149-150, Khasra No.16/1 (9-2), Khewat Khatuni No.81/151, Khasra No.8/21/2 (3-12), 8/22 (7-11), Khewat Khatoni No.82/152 as per jamabandi for the year 2014-2015 situated at village Padde, Tehsil Baba Bakala Sahib, District Amritsar for the welfare and benefit of all the minors as prayed for. The petitioner is further directed to deposit the sale proceeds of the land in question, in the name of minors Ramanpreet Kaur, Amanpreet Kaur and Gurkarandeep Singh, till the period they attain majority, in the shape of FDRs in some Nationalized Bank, under intimation to this Court. The petitioner is

however, at liberty to withdraw the amount of interest on the fixed deposits, so made for maintenance, education, welfare and upkeep of the minors. File be consigned to record room.

Pronounced in open Court.

7.8.2018.

(Ranjeev Pal Singh Cheema),
Guardian Judge
Baba Bakala Sahib.

Balveer kaur Versus G.P.

Present:-Sh. VKS Malhotra, Advocate, counsel for petitioner.

Respondent exparte.

The learned counsel for the petitioner closed the exparte evidence. Arguments heard. Vide my separate order of even date, present petition has been allowed ex parte, as detailed therein. The file be consigned to the record room.

Pronounced in open Court.
7.8..2018.

(Ranjeev Pal Singh Cheema),
Guardian Judge
Baba Bakala Sahib.

