



CR-6015-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR-6015-2025 (O&M)

Decided on :- 16.09.2025

Jaspreet Singh

...Petitioner

VERSUS

Harmandeep Kaur and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Lalit Pathak, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present petition has been filed under the provisions of the Guardian and Wards Act, 1890 (hereinafter referred to as, 'the Act') by Jaspreet Singh seeking appointment as guardian of the person and property of the minor child. The petitioner has averred that the welfare of the minor is not being properly safeguarded by the respondents and that it is in the paramount interest of the minor that the petitioner be appointed as guardian.

2. It has further been stated that before issuance of notice under Section 11 of the Act, the Court is required to record its satisfaction that there are sufficient grounds to proceed on the application. He further submitted that under Section 11 of the Act, the Court must record its satisfaction that there exists a ground for proceeding with the application before issuing notice to the respondents in a petition for appointment of guardian of a minor. This is a statutory safeguard to ensure that natural guardians are not unnecessarily dragged into proceedings unless there is some prima facie case made out.

3. The petitioner has submitted that in the present case, the Court, without recording such satisfaction, issued notice to the respondents. According to



the petitioner, this procedure is in violation of the mandate of Section 11 of the Act, which contemplates that the Court must, at the threshold, apply its judicial mind and come to the conclusion that there exists prima facie ground for proceeding with the petition before notice is directed to be served on the parents or guardians of the minor.

4. In support of his submissions, he has relied upon High Court Rules and Orders, Volume-II, Chapter 2A, Part-A, Rule 3, wherein it has been mentioned as under:-

“3. It does not follow that because an application is made for the appointment of a guardian, one must necessarily be appointed. Every application for guardianship should be laid at once before the Judge, who should only issue notice if he is satisfied after examination of the applicant (except when the applicant is the Collector) that there is ground for proceedings on the application under Section 11 of the Act, and even then, he should exercise a careful discretion as to the persons to whom notice should issue {section 11(1)(a)(iv) 1. It should also be noted that in certain cases a guardian cannot be appointed under the Act (section 19)}.

In appointing a guardian the Courts shall be guided by the provisions of Section 17.”

5. In view of the above-said High Court Rules and Order, this court is of the opinion that, upon presentation of the petition under Section 7 of the Act, that is for the appointment of guardian, it has to examine the petition along with supporting affidavit/documents. If the court finds that the petition discloses the grounds for issuance of notice under Section 11 of Guardians and wards act, then it



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can direct issuance of notice to parents/guardian/respondents. Whereas, if the Court does not find sufficient grounds, it may dismiss the petition at the threshold under Order 7 Rule 11 CPC read with Section 141 CPC. The requirement of judicial satisfaction before notice is not as heavy as final adjudication. The Court is only required to see whether the petition discloses a prima facie case for consideration. This prevents frivolous petitions from being served on parents/natural guardians unnecessarily.

6. Accordingly, the impugned order dated 25.03.2025 passed by the learned Additional District and Sessions-cum-Principal Judge, Family Court, Kapurthala, is hereby set aside and the Court is requested to reconsider the question of issuance of notice in the light of the above said High Court Rules and Orders, Vol-II, Ch.2-A, Part-A, Rule 3, within 15 days of the receipt of copy of this order.

7. With the aforesaid observations, the present revision petition stands disposed off.

8. Pending application(s), if any, also stand disposed of.

September 16, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No