

Law on  
**GUARDIANS & WARDS ACT, 1890**

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**1. Guardian bound to return property of minor on attaining**

**majority**--- Explaining Sec. 29 of the Guardians and Wards Act, 1890, it has been held that a guardian is bound to return the property of minor on his attaining majority. Where District Magistrate who was appointed as guardian of minors, heirs of deceased an eminent scholar who had very rich library which consisted of hand-written manuscript and printed books, had handed over the minors property viz., the books to the Sanskrit university for being kept in safe custody, he was bound to return the property to the heirs on their attaining majority. He cannot sell the property without permission of court and to the detriment of the minors. Purchase of books by State Government and deposit of amount in the amount of minors cannot bind the minors or court exercising jurisdiction under the Guardians and Wards Act. There is no sale of books and amount to deposited by State Government is refundable to it. See--- **Vice-Chancellor, Sampurnanand Sanskrit Vidyalaya, Varanasi vs. Brahm Gopal, AIR 1993 All 233**

**2. Guardian bound to obtain prior permission of court before**  
**disposing of minor's property**--- Explaining Sec. 29 of the Guardians and

Wards Act, 1890, it has been held that a guardian is bound to return the

property of minor on his attaining majority. Where District Magistrate who was appointed as guardian of minors, heirs of deceased an eminent scholar who had very rich library which consisted of hand-written manuscript and printed books, had handed over the minors property viz., the books to the Sanskrit university for being kept in safe custody, he was bound to return the property to the heirs on their attaining majority. He cannot sell the property without permission of court and to the detriment of the minors. Purchase of books by State Government and deposit of amount in the amount of minors cannot bind the minors or court exercising jurisdiction under the Guardians and Wards Act. There is no sale of books and amount to deposited by State Government is refundable to it. See--- **Vice-Chancellor, Sampurnanand Sanskrit Vidyalaya, Varanasi vs. Brahm Gopal, AIR 1993 All 233**

3. **Custody of children when mother already dead---**

4. **Custody of children denied to father on unwillingness of children-**

5. **Ill-treatment by father with children & their custody---**

6. **Father facing charge u/s. 498-A IPC & custody of children---**

Where the father of the children was facing charge u/s. 498-A IPC, the mother of the children had already died and the children were not willing to live with their father as the father had ill-treated his children at many occasions and the children were very happy with their maternal uncle, the custody of the children to their father though he had preferential right to custody was denied to him keeping in view the welfare of the children. See--

**- Kirtikumar Maheshankar Joshi vs. Pradipkumar Karunashanker  
Joshi, AIR 1992 SC 1447**