

**IN THE COURT OF [DISTRICT JUDGE / PRINCIPAL JUDGE, FAMILY COURT],
[PLACE]**

Guardianship Petition No. ____ of 20__

MEMO OF PARTIES

[NAME OF PETITIONER], [S/o / D/o / W/o] [NAME OF FATHER / HUSBAND], aged about [__] years, resident of [FULL ADDRESS WITH PIN CODE], [RELATIONSHIP WITH MINOR]... Petitioner

[NAMES OF NEAR RELATIVES / PERSONS INTERESTED, with addresses]...

Respondent(s) / Proforma

PETITION UNDER SECTIONS 7 AND 10 OF THE GUARDIANS AND WARDS ACT, 1890 FOR APPOINTMENT OF THE PETITIONER AS GUARDIAN OF THE [PERSON / PROPERTY / PERSON AND PROPERTY] OF THE MINOR [NAME OF MINOR]

Respectfully sheweth:

1. Name, sex, religion and date of birth of the minor: [__], [__], [__], [DATE OF BIRTH] (birth certificate, Annexure P-1).
2. Ordinary residence of the minor: [ADDRESS], within the jurisdiction of this Court [Section 9 of the Act].
3. [If the minor is a female: whether she is married, and if so, the name and age of her husband: __.]
4. Nature, situation and approximate value of the minor's property, if any: [DESCRIPTION — e.g. share in house No. __ / bank deposit of ₹__].
5. Name and residence of the person having custody or possession of the person or property of the minor: [__].
6. Names and residences of the near relatives of the minor: [__].
7. Whether a guardian of the person or property of the minor has been appointed by any person entitled, or claiming to be entitled, under the law to which the minor is subject: [No / details].
8. Whether an application has at any time been made to this or any other Court for the appointment of a guardian of the person or property of the minor: [No / details].
9. Ground of the application: [e.g. death of the father on __; the minor lives with the petitioner; the guardianship is required for __; it is in the welfare of the minor].
10. That the petitioner is a fit and proper person, has no interest adverse to the minor, and undertakes to act in the best interest and welfare of the minor.
11. That the minor ordinarily resides at [address] since [date], as shown by [school, home and caregiving records]; this jurisdictional fact is distinguished from a temporary visit or one parent's residence.
12. That every living parent, present custodian and person with a relevant guardianship claim is identified. Existing custody orders, proceedings, passports and cross-border circumstances are [complete particulars].

13. That day-to-day care, schooling, health, emotional ties, sibling relationships and safety are presently [facts]. The proposed arrangement protects continuity and welfare because [evidence], rather than asserting an adult's superior entitlement alone.
14. That the proposed guardian's fitness, accommodation, availability, means and willingness are [evidence]. Any adverse allegation, conflict of interest or relevant statutory bar is disclosed and answered as [particulars].
15. That the child's wishes, if age and understanding permit, may be ascertained in an appropriate manner; no coached statement is asserted as determinative. The proposed contact and holiday plan with the other parent is [terms], subject to welfare and any supported safety concern.
16. That interim custody or access is sought because [current urgency], on [precise schedule and handover safeguards]. Property guardianship, if sought, is separately particularised with inventory, valuation and management proposal.
17. That [OPTIONAL: retain only after verifying the cited rule and these facts] the child's actual care, schooling, emotional ties and safety are evidenced by [records]. Applying Yashita Sahu, the proposed custody and contact schedule [terms] serves welfare because [specific reasons]; any request to restrict contact is based on [supported exceptional circumstances].

PRAYER

It is, therefore, respectfully prayed that the petitioner may kindly be appointed as guardian of the [person / property / person and property] of the minor [NAME], [with permission to __, subject to Section 29 of the Act where property is to be dealt with], in the interest and welfare of the minor.

Place: [PLACE] Date: [DATE]

PETITIONER Through [NAME OF ADVOCATE] Advocate Enrolment No. [__]

VERIFICATION

Verified at [PLACE] on [DATE] that the contents of paragraphs 1 to [__] of the above petition are true and correct to my knowledge, the contents of paragraphs [__] to [__] are based on information received and legal advice, which I believe to be true, and the last paragraph is the prayer to this Hon'ble Court. No part of it is false and nothing material has been concealed therefrom.

PETITIONER

DECLARATION OF WILLINGNESS (Section 10(4))

I, [NAME OF PROPOSED GUARDIAN], declare that I am willing to act as guardian of the [person / property] of the minor [NAME].

[PROPOSED GUARDIAN]

Attested by: 1. [NAME, ADDRESS, SIGNATURE] 2. [NAME, ADDRESS, SIGNATURE]

IN THE COURT OF [___], [PLACE]

Guardianship Petition No. ____ of 20__

[NAME OF PETITIONER]... Petitioner

Versus

[NAME OF RESPONDENT(S)]... Respondent(s)

AFFIDAVIT

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [___] years,
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit / petition / application] has been drafted by counsel on the deponent's instructions. Its contents have been read over and explained in [LANGUAGE], understood by the deponent, and are incorporated as part and parcel of this affidavit; the factual statements are true to the deponent's knowledge or identified records, and legal submissions are based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been filed / the following prior or pending proceedings, outcomes and orders are fully disclosed: ____]. Nothing material has been concealed.

DEPONENT

VERIFICATION

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable rules.

PREPARATION AND JUDGMENT APPLICATION

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Complete Section 10 GWA particulars and examine Sections 7, 9, 17, 19 and relevant personal law. Attach the birth certificate, ordinary-residence proof and prior orders. Custody, appointment as guardian and property-management permissions are distinct reliefs.

Fact-specific authority. *Yashita Sahu v. State of Rajasthan*, (2020) 3 SCC 67; 20 January 2020. Use the child's welfare and a workable contact plan to support custody/access relief. Contact remains subject to the child's circumstances and safety; parental preference alone is insufficient. Read the judgment

Source: <https://indiankanoon.org/doc/144083733/>

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.