

In the Court of Principal District Judge, Purnea

Misc. Case No 24/2025

CIS No. 24/2025

(under sections 8 of Guardian and Wards Act 1890)

In the matter of:-

1. Navin Kumar Sah, S/o- Late Bindeshwari Sah, aged about 51 years,
Resident of village - Tinpania, Kasba, P.S.- Kasba, District-Purnea,
Present Address - C/o- Vindeshwari Prasad, G-163, South Anarkali,
Krishna Nagar, P.O. Krishna Nagar, Distt.- East Delhi - 110051.

.....**Petitioner**

V/s

1. Nilam, W/o- Navin Kumar Sah, aged about 42 years,
Resident of village - Tinpania, Kasba, P.S.- Kasba, District-Purnea, Present
Address - C/o- Vindeshwari Prasad, G-163, South Anarkali, Krishna Nagar,
P.O. Krishna Nagar, Distt.- East Delhi - 110051.

.....**O.P.**

Learned Counsel for Petitioner : Sri Anil Kumar Sah, Ld. Adv.,

Learned Counsel for O.P. : Sri Kailash Pd. Yadav, Ld. Adv,

Present : **Kanhaiya Jee Choudhary,**
Principal District Judge, Purnea

Date : 07.03.2026

ORDER

1. The instant Misc. case under sections 8 read with section 29 of the Guardian and Wards Act has been preferred by petitioner, namely, Navin Kumar Sah being father and next guardian to the minor, namely, 1. Shiv Shankar with a prayer that he may be appointed legal guardian for minor son's property to execute sale deed on behalf of minor, for the land situated within the district of Purnea of Mouza Kasba, Thana No. 249/2, Anchal - Kasba, Ward No. 04 (old), Ward No. 05

(New), M.S. Khata No. 779 & 655, Plot / Khesra No.- 1261 and 1256 / 2362 , Total Area - 04 Decimal 400 Sq. Kari for the welfare and proper education of the minor to the willing purchaser. The land was purchased by Petitioner vide Sale Deed No. 6400 dated 08.04.2022 in the name of his minor son, namely, Shiv Shankar for meet out expenditure of education and betterment of his minor son. O.P. is the mother of the minor.

2. The learned counsel for the petitioner has submitted that petitioner being natural guardian and father of his minor son namely Shiv Shankar and O.P. is his wife. They are hindu by religion. Besides the petitioner and the O.P. as parents, Shiv Shankar has four sisters, namely, Nikita Kumari, Rupali Gupta, Jyoti Devi and Viddha Devi @ Vidya Devi. The petitioner usually works for his livelihood at Delhi and Shiv Shankar is pursuing his studies in Class - IX at Delhi. The petitioner had purchased 04 decimal 400 Sq. Kari of land in the name of his above named minor son through sale deed no. 6400 dated 08.04.2022. The petitioner wants to send his son Shiv Shankar to Rajsthan for higher studies keeping in view of his bright future and for which there is no other option left that selling of said land mentioned in Schedule - A. It is lastly prayed by the petitioner to grant permission to sell the aforesaid 04 Decimal 400 Sq. Kari of land to willing purchaser for higher education of his minor son and for the ends of justice.

Schedule - 'A'

Mouza - Kasba, Thana NO. 249/2, Anchal - Kasba, Ward No. (Old) - 04, Ward No. (New) - 05,

M.S. Khata No.	M.S. Khesra No.	Area Decimal - Sq. Kari
779	1261	02-00
655	1256/2362	02-400
Total Area -		04-400 (Four Decimal Four Hundred Square Kari)

3. O.P. namely Nilam being wife of the petitioner and mother of the minor appeared and filed no objection petition and has supported the case of the petitioner. She admitted that they are desirous and willing to send his son Shiv Shankar to Kota,

Rajasthan for higher studies and to meet the expenses of higher education, they have no options left other than to sell the land purchased by petitioner in the name of minor. She has no objection, if the petitioner is being appointed as legal guardian of property of the abovenamed minor and permitted to sale the above land to any body by registered sale deed.

4. Petitioner has been examined as A.W.1. He has deposed that he has filed this instant Misc. Case to appoint himself as natural legal guardian of his minor son to sell 04 Decimal 400 Sq. Kari of land, which was purchased by him in the name of minor 1. Shiv Shankar vide sale deed no. 6400 dated 08.04.2022. The land-in-question is situated at Mouza - Kasba, He has further deposed that he has one minor son and four daughters. His minor son Shiv Shankar is a student of class IX who is studying at Delhi. He wants to send his minor son to Kota Rajsthan for higher studies but he has no means left to meet the educational expenses other than to sell the land-in-question.

In his cross-examination, he has answered that the land-in-question was purchased by him in the name of his minor son. His economic condition is not good. He had suffered two heart attacks after which his economical condition got worsen. He has only option left to sell the land-in-question to meed educational expenses of his minor son.

On questions asked by the court, this witness has answered that he is a skilled mason and apart of the land-in-question he possess two Kattha of land with residential house.

5. The Petitioner has produced Ashok Kumar Gupta as A.W.2. He has supported the averments made by the petitioner in his examination-in-chief supported by way of affidavit. This witness has also deposed that the registered sale deed bearing number 6400 dated 08.04.2022 was executed by seller Savitri Devi in the name of minor Shiv Shankar in his presence and he has signed over the said sale deed as witness. On his identification, the registered sale deed was marked as Ext.-P1/PW2.

In his cross-examination, this witness has answered that he knows petitioner as well as O.P.

On questions asked by the court, this witness has answered that the petitioner resides outside and works as a labourer and having one son and four daughters. The petitioner is not capable to bear the expenses of higher education of his child. The petitioner wants to sell out the land-in-question for bright future of his child which was purchased by him in the name of his minor son.

6. O.P. Nilam being mother of the minor son and wife of the petitioner has been produced as OPW1 who has supported the case of the petitioner in her examination-in-chief. She has deposed that she has no objection, if her husband may execute a sale deed of the said land-in-question on behalf of her minor son, namely, Shiv Shankar to meet his educational expenses.

In her Cross-examination, She has admitted that his husband has filed the instant Misc. Case to get appointed as legal guardian for selling the land-in-question through sale deed to willing purchaser on behalf of his minor son Shiv Shankar for his better education. He has further stated that the area of land-in-question is 04 Decimal and 400 Sq. Kari. She has no objection if the petitioner may be permitted to execute sale deed on behalf of minor.

On questions asked by the court, this witness has answered that she has five children out of which four daughters have already been married and her only son is studying. Her husband works as a building contractor at Delhi. Her husband earns Rs. 15,000/- monthly which is only adequate to meet household expenses.

7. Perused the record, evidences as discussed above as well as original Sale Deed No. 6400 dated 08.04.2022. From perusal of the same, it appears that petitioner Navin Kumar Sah, aged about 51 years, S/o Late Bindeshwari Sah, R/o village - Tinpania, Kasba, P.S. Kasba, District Purnea being father and natural guardian of Minor namely 1. Shiv Shankar has filed the instant Miscellaneous (Guardianship) Case under section 8 of Hindu Minority and Guardianship Act to appoint legal guardian of his minor son's property for executing sale deed of the land mentioned in Schedule-'A', which was purchased vide Sale Deed No. 6400 dated 08.04.2022 by this petitioner in the name

of minor Shiv Shankar to meet future expenses of his higher education. Petitioner has also stated that his son is a student of Class IX and currently studying in Delhi. Now the petitioner wants to send his minor son to Kota, Rajasthan for higher education but the father of minor is a labour who is unable to meet educational expenses of his minor son. The said version was also supported by the O.P. in her evidence who has also deposed that the father of the minor is hardly able to meet daily household expenses of his family and facing hardship to bear education expenses of his child. The Petitioner in his evidence has also deposed that all the money procured by selling land-in-question will be spent for welfare and better education of his minor child. So, petitioner being father of minor, to take proper care of the education, future expenses and overall welfare of the minor child, the situation requires that he may be appointed as guardian of minor's property as stated above without further delay, to be able to execute sale deed of the property of the minor son namely 1. Shiv Shankar. O.P. in her examination-in-chief has deposed that she has no objection, if this court appoint the petitioner as legal guardian to execute sale deed on behalf of his minor son to any body or willing purchaser, which was purchased in the name of minor son by her husband, being legal guardian vide aforesaid sale deed for the welfare of the minors and there is requirement to sell out the part of said property in the name of minor child. So, Petitioner prayed to appoint him as a legal guardian to execute sale deed of the land-in-question on the behalf of minor child to any body, for welfare and better education of minor child as stated above. The aforesaid land is situated within the jurisdiction of this court. So, the instant Misc. filed on behalf of the petitioner is proper.

8. Considering the aforesaid facts and circumstances of the case as well as for the welfare and better education of the minor boy, namely, 1. Shiv Shankar represented by his father, namely, Navin Kumar Sah, aged about 51 years, S/o Late Bindeshwari Sah, R/o village - Tinpania, Kasba, P.S. Kasba, District Purnea, Bihar as well as for the ends of justice and for betterment and bright future of the minor, this court is of the view that it is just and proper to appoint the petitioner Navin Kumar Sah as legal

guardian of the minor's property, so the petitioner for overall welfare of the minor is appointed and declared to be legal guardian for maintaining proerty of minor as petitioner being father of said minor child namely Shiv Shankar. The petitioner is working as labourer who is incapable to meet out expenses of higher education of his minor son so the petitioner is appointed as legal guardian of the said minor child to execute sale deed of the land situated within Purnea at **Mouza Kasba, Thana No. 249/2, Anchal - Kasba, Ward No. 04 (old), Ward No. 05 (New), M.S. Khata No. 779 & 655, M.S. Plot / Khesra No.- 1261 and 1256 / 2362 , Total Area - 04 Decimal 400 Sq. Kari**, which was purchased by the petitioner in the name of his minor son Shiv Shankar through Sale deed 6400 dated 08.04.2022 to any body or willing purchaser for the welfare and better education of said minor child. The petitioner is directed to open one bank account in the name of minor child and all the consideration amount procured by selling of land-in-question will be deposited in that account from which his expenses for studies and other necessity should be meet out and the amount can be withdrawn as per need.

Accordingly, the instant Misc. (Guardianship) case is **allowed**.

Dictated & Corrected by me.

(Dictated)

Sd/-

**Principal District Judge,
Purnea, 07.03.2026**

Date of Judgment / Order	07.03.2026
Date of Reserving Judgment / Order	20.02.2026
Uploading Date	13.03.2026
Uploaded by	Ritesh Kr. Jha, DWTC