

**IN THE COURT OF ANJU BAJAJ CHANDNA,
PRINCIPAL DISTRICT & SESSIONS JUDGE,
CENTRAL DISTRICT: TIS HAZARI COURTS: DELHI**

CNR No. DLCT01-019832-2025

G. P No. 26/2025

Smt. Karoona Vasudeva

W/o Late Sh. Vishal Vasudeva

R/o M-3/51, DLF Phase-II, PO: DLF Ph.-II

Gurgaon, Haryana-122008

.....Petitioner

Vs

1. State (NCT of Delhi)

2. Smt. Neelam Vasudeva

W/o Late Sh. Vinod Vasudeva

R/o M-3/51, Sector-25, DLF Phase-II

Gurgaon, Haryana-122008

.....Respondents

Date of Institution : 24.12.2025

Date of Arguments : 01.06.2026

Date of Judgment : 02.07.2026

APPEARANCES

Sh. Prakhar Vashisht, Ld. Counsel for petitioner
along with petitioner.

J U D G M E N T

1. Present petition has been filed under Section 8 of Hindu Minority and Guardianship Act 1956 for permission to sell the 1/6th undivided share of baby Ameerah Vasudeva in built-up ground floor portion bearing private no.2, measuring 8' x 32' or say about 256 square feet and its built up first floor, second floor and third floor with terrace / roof rights along with proportionate undivided share in freehold property bearing municipal nos. 1780-81, Ward No.XVI, comprised in khasra no.740 in Block T, Gali No.53, situated at Naiwala Karol Bagh, New Delhi-110005 (hereinafter referred as property in question).

2. In brief, it is stated that the petitioner is mother and natural guardian of minor daughter namely Ameerah Vasudeva born on 26.07.2021 out of the wedlock between petitioner and Vishal Vasudeva. The minor is residing in the lawful care and custody of the petitioner.

3. The husband of the petitioner, Vishal Vasudeva expired on 23.07.2025 leaving behind his LRs namely Neelam Vasudeva (mother/respondent no.2), Karoona Vasudeva (wife/petitioner) and Baby Ameerah Vasudeva (minor daughter). Husband of the petitioner and respondent no.2 (mother-in-law of petitioner) were joint owners of

property in question by way of sale deed duly registered vide registration no. 2024/24/I/2000 in Book No.I Vol. NO. 21581 dated 29.11.2024 and thus both having half undivided share in the said property. After the death of Vishal Vasudeva, his half undivided share devolved upon surviving legal heirs to the extent of 1/3rd (16.66 %) share each.

4. It is contended that due to sudden death of Vishal Vasudeva, the business which was being run by him in the name and style of M/s Vision Traders from the said property had to be abruptly shut down as there was no one else to look after and manage the said business. The petitioner as well as respondent no.2 are having no independent source of income to sustain and maintain themselves and the minor daughter. Baby Ameerah is suffering with significant gross motor challenges and has difficulty in stepping up and down from the stairs independently and she is under continuous medical treatment. Funds are required for proper medical treatment, quality education, food, clothes and other necessary and essential facilities of baby Ameerah. It is averred that petitioner has no interest adverse to that of her minor daughter. Hence, the present petition.

5. Notice of the present petition was issued to the respondents. Notice of the present petition was also published in daily newspaper 'Times of India' English edition and 'Jansatta' Hindi edition dated

31.12.2025. SDM Karol Bagh filed his valuation report, according to which value of the property is Rs.50,27,545/-.

6. The petitioner Karoona Vasudeva in order to prove her case, entered into the witness box as PW-1 and deposed on affidavit **Ex.PW-1/A**. Petitioner has testified on oath about all the averments made by her in the petition and has proved copy of birth certificate of baby Ameerah as Ex.PW1/1, Copy of Aadhar cards of petitioner Karoona Vasudeva, Baby Ameerach and Neelam Vasudeva as Ex.PW1/2(colly), copy of sale deed dated 28.11.2024 as Ex.PW1/3, copy of death certificate of Vishal Vasudeva as Ex.PW1/4, copy of surviving member certificate as Ex.PW1/5 and copy of medical record of baby Ameerah as Ex.PW1/6.

7. Respondent no.2 Neelam Vasudeva has filed affidavit/no objection stating that she is the grandmother of minor girl and has no objection to the allowing of present petition.

8. I have heard Sh. Prakhar Vashisht, Ld. Counsel for petitioner and also given due consideration to the facts and circumstances of the case, pleadings, evidence and to the material available on record.

9. Section 8 of the Hindu Minority and Guardianship Act 1956 is as follows:-

8. Powers of natural guardian.—

(1) The natural guardian of a Hindu minor has power, subject to the provisions of this section, to do all acts which are necessary or reasonable and proper for the benefit of the minor or for the realization, protection or benefit of the minor's estate; but the guardian can in no case bind the minor by a personal covenant.

(2) The natural guardian shall not, without the previous permission of the court,— (a) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of the minor; or (b) lease any part of such property for a term exceeding five years or for a term extending more than one year beyond the date on which the minor will attain majority.

(3) Any disposal of immovable property by a natural guardian, in contravention of sub-section (1) or sub-section (2), is voidable at the instance of the minor or any person claiming under him.

(4) No court shall grant permission to the natural guardian to do any of the acts mentioned in subsection (2) except in case of necessity or for an evident

advantage to the minor.

(5) The Guardians and Wards Act, 1890 (8 of 1890), shall apply to and in respect of an application for obtaining the permission of the court under sub-section (2) in all respects as if it were an application for obtaining the permission of the court under section 29 of that Act, and in particular— (a) proceedings in connection with the application shall be deemed to be proceedings under that Act within the meaning of section 4A thereof; (b) the court shall observe the procedure and have the powers specified in sub-sections (2), (3) and (4) of section 31 of that Act; and (c) an appeal shall lie from an order of the court refusing permission to the natural guardian to do any of the Acts mentioned in sub-section (2) of this section to the court to which appeals ordinarily lie from the decisions of that court.

(6) In this section, “Court” means the city civil court or a district court or a court empowered under section 4A of the Guardians and Wards Act, 1890 (8 of 1890), within the local limits of whose jurisdiction the immovable property in respect of which the application is made is situate, and where the immovable property is situate within the jurisdiction of more than one such court, means the court within the local limits of whose jurisdiction any portion of the property is situate.

10. The basic purpose of legal provisions is to see that welfare of minor child is paramount, be it the appointment of guardian to his person or to his estate.

11. A perusal of entire available record establishes that Karoona Vasudeva (petitioner) is the biological mother and natural guardian of minor daughter, namely Ameerah Vasudeva and her date of birth is also established to be 26.07.2021 vide birth certificate Ex.PW1/1. It is further established that husband of petitioner was joint owner of property i.e. built-up ground floor portion bearing private no.2, measuring 8' x 32' or say about 256 square feet and its built up first floor, second floor and third floor with terrace / roof rights along with proportionate undivided share in free-hold property bearing municipal nos. 1780-81, Ward No.XVI, comprised in khasra no.740 in Block T, Gali No.53, situated at Naiwala Karol Bagh, New Delhi-110005 along with his mother (respondent no.2) and thus having half undivided share. After the death of Vishal Vasudeva, his share in the property stands inherited in favour of his legal heirs as per law of succession. Therefore, petitioner Karoona Vasudeva, respondent no.2 (mother of late Vishal Vasudeva) and minor daughter Ameerah Vasudeva would inherit 1/3rd each of half undivided share of Vishal Vasudeva in the property in question.

12. In view of above findings, petitioner Karoona Vasudeva being mother and natural guardian is the most suitable person to be appointed as guardian for the purpose of dealing with the estate of minor child. Therefore, there is no legal impediment to allow the prayer made by Karoona Vasudeva. Hence, the present petition under Section 8 of Hindu Minority and Guardianship Act 1956 is allowed.

13. Petitioner Karoona Vasudeva is permitted to sell 1/3rd share of minor daughter in half undivided share of Vishal Vasudeva i.e. 16.66% in property bearing built-up ground floor portion bearing private no.2, measuring 8' x 32', 256 square feet and its built up first floor, second floor and third floor with terrace / roof rights along with proportionate undivided share in free-hold property bearing municipal nos. 1780-81, Ward No.XVI, comprised in khasra no.740 in Block T, Gali No.53, situated at Naiwala Karol Bagh, New Delhi-110005 at the best available market price with the condition that minimum amount of the total sale proceeds of the property shall not be less than the value mentioned in the valuation report filed by the SDM concerned.

14. Further, the petitioner /mother of the minor child Baby Ameerah Vasudeva shall invest the sale proceeds of share of minor child *qua* property in question in the form of FDR in the nationalised bank in the name of the minor child and shall place on record the

attested copy of the said FDR. The petitioner is permitted to withdraw the interest received on the amount so deposited in the FDR to utilize the same to meet the basic needs and education of the minor child. Let an indemnity bond with one surety be executed by petitioner in this regard and only thereafter certificate in favour of the petitioner Karoona Vasudeva be issued.

15. The present petition is disposed of accordingly and the file be consigned to the Record Room.

Announced in the open court
on 2nd July 2026

(Anju Bajaj Chandna)
Principal District & Sessions Judge,
Central District, Tis Hazari Courts, Delhi
02.07.2026