



**IN THE COURT OF SH. HEM SINGH, DISTRICT JUDGE -01,
EAST DISTRICT, KARKARDOOMA COURTS, DELHI**

**GP No- 10/24
CNR No. DLET010071112024**

In the matter of:

Monika Khurana
W/o Late Surender Kumar Khurana
R/o 11/322, Block-II, Geeta Colony,
Gandhi Nagar, New Delhi-110031
Mobile No. 9811408006

(Mother/Natural Guardian Of Minor
Child Satyam Khurana)

.....Petitioner

Versus

State (Govt. Of NCT of Delhi)
Through Chief Secretary
Players Building, Delhi Secretariat
GNCT of Delhi, Indraprashta Marg,
ITO, New Delhi-110002

.....Respondent

Date of Institution	:	18.12.2024
Reserved for order on	:	22.01.2026
Date of Decision	:	13.02.2026

**PETITION UNDER SECTION 29 R/W SECTION 8 OF GUARDIAN
AND WARD ACT 1890, FOR APPOINTMENT OF PETITIONER AS
GUARDIAN OF THE MINOR AND GRANT OF PERMISSION OF
SALE OF THE SHARE OF THE MINOR IN THE IMMOVABLE
PROPERTY**

JUDGMENT

The present petition has been filed by the petitioner seeking appointment as legal guardian to sell the share of minor, i.e, Satyam Khurana, son of the petitioner, in the Flat no. 220, (4th) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075.

1. BRIEF FACTS:

a) It is averred in the petition that the petitioner, Mrs. Monika Khurana, was married to Late Shri Surender Kumar Khurana on 25.07.2000 and out of the said wedlock three children were born, namely Mani Khurana, Hani Khurana, and Satyam Khurana. That after the demise of her husband, the petitioner and her three children became his legal heirs and the minor child, Satyam Khurana, is presently under the care and custody of the petitioner, who is his natural guardian.

b) It is further stated that the parents of the deceased husband, Late Shri Janak Raj Khurana and Late Smt. Kanta Rani Khurana, were the owners of an immovable property bearing Flat no. 220, (4th) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075; that after their demise, the said property devolved upon their legal heirs, namely (i) Vikas Khurana and (ii) Simmi Madan (brother and sister of Late Surender Kumar Khurana) and (iii) the legal heirs of Late Surender Kumar Khurana, each having one-third share in the property. Consequently, the minor Satyam Khurana holds a 1/12th undivided share in the said

property through his deceased father.

c) It is submitted that the said property is presently in a dilapidated condition and the co-owners are unable to properly maintain it. So, in order to avoid further loss and to safeguard the interests of the minor, the petitioner seeks permission from this Hon'ble Court to sell the minor's share in the property. The petitioner undertakes that the sale proceeds attributable to the minor's share shall be invested in Government Securities or Fixed Deposit Receipts with scheduled banks, and the interest derived therefrom shall be utilized for the minor's welfare, upbringing, and education.

d) The petitioner further submits that no guardian has been appointed by any court in respect of the minor or his share in the property, and the petitioner, being the natural guardian and mother of the minor, has no interest adverse to that of the minor.

e) Accordingly, the petitioner prays that this Hon'ble Court may be pleased to appoint the petitioner as the guardian of the minor Satyam Khurana and grant permission to sell and execute the necessary sale documents on behalf of the minor in respect of his share in the aforesaid property in favor of a prospective purchaser.

2. PROCEEDINGS:

a) The notice of the petition was issued to the general public through State. The respondent/State was duly served by way of publication in the Hindi newspaper "**Dainik Jagran**" dated 22.03.2025.

b) Respondent no.1 put their appearance and filed LR verification report in respect of Late Surender Kumar Khurana, and did not contest

the petition. No one from the general public participated in the proceedings.

c) All the near relatives of the minor gave their joint no-objection statement that they have no objection if the petitioner is permitted to sell the share of minor in the property in question.

3. ISSUES:

On 02.04.2025 following issues were framed for adjudication and disposal of the petition:

1. Whether petitioner is entitled to be appointed as Guardian of minor-Satyam Khurana and permitted to sell/execute relevant documents of sale on behalf of the minor in respect of his share in the property bearing Flat no. 220, (IVth) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075, as prayed for?OPP

2. Relief.

4. EVIDENCE:

a) In order to prove the case, the petitioner examined herself as PW-1 and tendered her evidence by way of affidavit **Ex. PW1/1**. She also relied upon the following documents:-

(i) **Ex.PW1/A (OSR):** Aadhar card of petitioner.

(ii) **Ex.PW1/B (OSR):** Death certificate of Late Surender Kumar Khurana.

(iii) **Ex.PW1/C (OSR):** Copy of Conveyance Deed of property bearing no. Flat no. 220, (4th Floor), Pocket-4, Sector- 11, Dwarka, Delhi.

(iv) **Ex.PW1/D:** Death certificate of Late Janak Raj Khurana.

(v) **Ex.PW1/E:** Death certificate of Late Kanta Rani Khurana.

(vi) **Mark-A (Colly.):** Photographs of the property bearing no. Flat no. 220, (4th Floor), Pocket-4, Sector- 11, Dwarka, Delhi.

PW1 was not cross-examined as there is no contesting respondent.

c) No other witness was examined by the petitioner and petitioner's evidence was closed vide order dated 09.12.2025.

d) Submissions heard. Record perused. Considered.

5. **FINDINGS:-**

a) The instant petition has filed U/s 29 r/w Section 8 of Guardian and Ward Act 1890 for seeking permission to sell the share of minor in the property in question. For the purpose of adjudication of the present petition, I have perused the relevant provisions of law which are as under:

Section 8 of The Hindu Minority & Guardianship Act, 1956 reads as follows :-

"(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 sub-section (2) except in case of necessity or for an evident advantage to the minor.

(5) The Guardians and Wards Act, 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 the Act".

b) Reliance can also be placed on section 6 of The Hindu Minority & Guardianship Act, 1956 which deals with the natural Guardianship of minor. As per the said provision, the natural guardian of a Hindu minor boy primarily, is the father and after him, the mother. Section 6 of the said Act reads as under:

6. Natural guardians of a Hindu minor.—

The natural guardian of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interest in joint family property), are—

(a) in the case of a boy or an unmarried girl—the father, and after him, the mother: provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother;

(b) in case of an illegitimate boy or an illegitimate unmarried girl—the mother, and after her, the father;

(c) in the case of a married girl—the husband:

Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section—

(a) if he has ceased to be a Hindu, or

(b) if he has completely and finally renounced the world by

becoming a hermit (vanaprastha) or an ascetic (yati or sanyasi).

c) In the present case, the petitioner has proved that she is mother and natural guardian of minor- Satyam Khurana. The father of the minor has already expired and death certificate **Ex.PW1/B (OSR)** has been placed on record. The respondent no. 1/State has placed on record the LR verification report in respect of Late Surender Kumar Khurana as per which minor Satyam Khurana along-with Mani Khurana, Hani Khurana and petitioner are the only legal heirs of deceased person. The petitioner placed on record the Conveyance Deed of property **Ex.PW1/C (OSR)** i.e, Flat no. 220, (4th) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075. It is not in dispute that Late Janak Raj Khurana and Late Kanta Rani Khurana were the joint owners of the property in question and after their demise, the said property devolved in favor of (i) Vikas Khurana and (ii) Simmi Madan (brother and sister of Late Surender Kumar Khurana) and (iii) the legal heirs of Late Surender Kumar Khurana. Thereby, minor Satyam Khurana being the son of predeceased son of Late Janak Raj Khurana and Late Kanta Rani Khurana became owner of the 1/12th undivided share in the said property.

d) A perusal of the record shows that Satyam Khurana, who is a minor, is totally dependent upon his mother, the petitioner herein, for his upbringing and future welfare. It cannot be said that the petitioner is having any interest adverse to the interest of minor Satyam Khurana. The petitioner has deposed that it is in the best interest of the minor Satyam Khurana to sell the property in question.

6. In view of aforesaid discussion and observation as well as no objection given by the remaining legal heirs of Late Janak Raj Khurana

and Late Kanta Devi Khurana, there is no impediment in allowing the present petition. Therefore, the petitioner is granted permission to sell the share of minor Satyam Khurana in the immovable property Flat no. 220, (4th) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075 with the following conditions:-

- a) That the sale of minor's share in immovable property Flat no. 220, (4th) Floor, Pocket-4, Sector-11, Dwarka, New Delhi-110075, shall not be made below the market price.
- b) The share of minor in the sale proceed shall be kept in the form of FDR with a Nationalized Bank for the period till the minor attain the majority, however, the petitioner is at liberty to withdraw the interest accrued upon the said FDR and the said amount shall be utilized for the welfare of the minor.
- c) As soon as the sale has been made, a compliance report shall be filed within one month of the sale.
- d) The petitioner shall not be entitled/allowed to any allowance.
- e) The petitioner shall furnish a surety/personal bond equivalent to the sale value of the share of minor as per Form-D, given in chapter 2 part-D, Volume-2 of the Delhi High Court Rules.

This permission shall not tantamount to vesting or conferring any right, title or interest in the share of minor in the aforesaid property.

Ordered accordingly.

File be consigned to record room after due compliance.

**Announced in the open Court
on 13.03.2026**

**(HEM SINGH)
District Judge-01
East District, KKD Courts/Delhi**