

Guardian Ward Case No. 30 / 2022
Sangita Kishor Daroga + 5 Vs. Nil
CNR NO. MHBUE0-000631-2022

ORDER BELOW EXH. 01

(Dated : 18.08.2023)

01] This is an application under Section 8 of the Hindu Minority and Guardian Act, 1956 and Section 29 of the Guardian and Wards Act, for grant of permission to sell of immovable property belonging to minor applicant.

02] Applicant No. 1 is mother of minor applicant Nos. 2 and 3, whereas applicant No. 4 is her mother-in-law, applicant No. 5 is her father-in-law and applicant No. 6 is her brother-in-law. Applicant No. 1 is widow of late Kishor Daroga and applicant Nos. 2 and 3 are their minor children. Now applicant No. 2 became major.

03] Initially, Gut No. 168/1 ad-measuring 03.25 Sq. Ft. out of which 874.25 Sq. Ft. situated at village Lonar, Tq. Lonar, Dist. Buldhana belongs to one Purvi Bhavral Daroga. After his death, name of his widow namely Shakuntala, their three sons namely Ratan, Kailas and Kishor were recorded in 7/12 extract of said property. Out of them Kishor Bhawarlal Daroga died on 08.05.2022 at Lonar. Therefore, his name was replaced by his legal heir and successor i.e. applicant Nos. 1 to 3 in 7/12 extract of the said property. Applicant No. 3 is minor. He is taking education and for further education and welfare, applicant No. 1, 2, 4 to 6 are in need of money. Hence, this application.

04] Notice of application was issued by publication in the local news-paper. However, no one appeared and objected for the proposed transaction of sale.

05] By way of examination-in-chief, applicant No. 1 Sangita Kishor Daroga reiterated the contents of application and deposed that she is in need of money in the interest and for the benefit of her minor children's education. Now, applicant No. 2 became major, but applicant No. 3 is still minor, therefore, she wanted to sell out immovable property in the name of minor applicant No. 3 for his benefit and welfare.

06] In support of oral contention, she has filed copy of Aadhar Card (Exh. 12), copy of 7/12 extract (Exh.13), copy of Gaon Namuna No. 6 (Exh.14), copy of School Leaving Certificate (Article No. 15), copy of Caste and Birth Certificate issued by Shivaji High School, Lonar (Article-B), Copy of Pan Card, paper publication (Exh. 15), death certificate of Kishor Bhawarlal Daroga (Exh. 17), valuation certificate (Exh. 16) and heirship certificate issued by the Court below Exh. 20.

07] Admittedly, minor applicant No. 3 is taking education and for his education and welfare, applicant No. 1 is in need of money. She wanted to sell out share of applicant No. 3 in the above said filed in the interest and for the benefit of minor applicant No. 3. Under the facts and circumstances, I found that sell of above said property is for the benefit and welfare of minor applicant No. 3. Resultantly, I proceed to pass following order.

- O R D E R -

- (01) The application is hereby allowed.
- (02) Applicant No. 1 Sangita Kishor Daroga, is allowed to enter the transaction of sale of share of applicant No. 3 in Gut No. 168/1 ad-measuring 03.25 Sq. Ft. out of which 874.25 Sq. Ft. situated at village Lonar, Tq. Lonar, Dist. Buldhana.
- (03) The mother/guardian of the applicant No. 3 shall invest the amount of share of minor applicant No. 3 in any Nationalized Bank for the period till minor attains the age of majority.
- (04) The mother of applicant No. 3 shall be entitled to withdraw the approved interest thereon for the education and other requirements of the applicants No. 3.
- (05) The mother shall file the compliance report within the period of three months.

Dated: 18.08.2023

(Sagar K. Mungilwar)
Ad-hoc District Judge-1
Mehkar

C E R T I F I C A T E

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Sagar K. Mungilwar
Ad-hoc District Judge-1
Mehkar, Dist. Buldhana.

Name of Steno : Shaikh Imran Abdul Rauf,
Stenographer, Grade-2, Mehkar.

Date : 18.08.2023