

Order below Exh. 1 in
Civil Miscellaneous Application No. 334/2017

This is an application filed by applicant seeking permission to sell the agricultural land owned by minors Chi. Onkar Datta Pawar and Kum. Anjali Datta Pawar bearing Gat No. 205 admeasuring 1 H 68 R, situated at Mouje Gunjegaon, Tq. South Solapur, Dist. Solapur.

2 In brief, it is stated in the application that, applicant is the grand mother of minors Onkar and Anjali. The daughter of applicant and mother of minors died on 19.05.2010 and father of minors died on 17.06.2012. The mother of minors is the owner of above property and said property her ancestral property. After her death name of the minor children are entered in the record of rights, being her legal representatives. It is stated that, the present applicant is looking after both minors. Funds are required for the further education of minors. Applicant is not in a position to cultivate the said land as she is widow and residing at Marvade, Tq. Mangalwedha, Dist. Solapur. Therefore, the applicant wants to sell the property and utilize said income for further education of minors. Hence, this application is filed seeking permission to sell the property of the minors.

3 Public notice and citation was duly published. Nobody

has come forward to oppose application.

4 Applicant has filed her affidavit at Exh. 11 wherein she has stated that, name of the minor children are entered in the record of rights against the property owned by deceased Sunita Datta Pawar i.e. mother of minors being her legal representatives. She has further stated that, Chi. Onkar and Kum. Anjali are minors. They have bright future. Applicant has no fund to educate them. There is no income from the said property and therefore, permission may be given to sell property.

5 Applicant has filed birth certificate of Chi. Onkar Datta Pawar, his date of birth is 02.03.2004, birth certificate of Kum. Anjali Datta Pawar, her date of birth is 19.10.2005. Name of applicant Balabai is shown as guardian of minors Onkar and Anjali in the property. Copy of 7/12 extract of land Gat No. 205 is filed on record. Name of applicant and minors Onkar and Anjali are entered in the column of ownership and possession. The applicant has also filed copy of agreement to sale bearing registration No. 2887/2017 dated 31.10.2017. The applicant has proved that, she intends to sell the suit property for the welfare of the minors. Certified copy of agreement of sale is filed on record. It shows that, an amount of Rs.10,00,000/- is agreed towards registration. Therefore, there is no impediment to give permission to sell the property as prayed. Hence,

following order is passed.

ORDER

- 1 The application is allowed.
- 2 Permission to sale agricultural land owned by minors Chi. Onkar Datta Pawar and Kum. Anjali Datta Pawar bearing Gat No. 205 admeasuring 1 H 68 R, situated at Mouje Gunjegaon, Tq. South Solapur, Dist. Solapur is granted subject to condition that an amount of Rs.2,50,000/- each be kept in fixed deposit in any Nationalized Bank in the name of minors Chi. Onkar and Kum. Anjali till they attain majority.
- 3 Prior to minors attain majority, if the amount is required, the applicant who is grand mother may encash the fixed deposit receipt on taking prior permission of this Court. However, no loan or encumbrance is allowed to be raised on the said fixed deposit.
- 4 After the maturity the bank should make payment of the matured amount from the fixed deposit directly to minors without further orders from this Court.

sd/-

Place : Solapur
Date : 20.01.2018

(Yasmin G. Deshmukh)
District Judge – 5, Solapur.

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C E R T I F I C A T E

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : Yasmin G. Deshmukh,
District Judge – 5 &
Addl. Sessions Judge, Solapur.
- (c) Order signed by P.O. on : 29.01.2018
- (d) Order uploaded on : 29.01.2018