

GJGS010003502026



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 Decided on : 15.06.2026
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 30 – 01 – 00

**IN THE COURT OF HON'BLE PRINCIPAL DISTRICT
 JUDGE, GIR-SOMNATH AT VERAVAL.**

CIVIL MISC. APPLICATION NO. 17 OF 2026

Exhibit : ____

- 1) **Kaliben Bapubhai Mirza**
 Age : 54, Occ. : Agriculture / Household
 - 2) **Minor Sufiyan Bapubhai Mirza**
 Age : 17, Occ. : -----
 Parent and natural guardian of minor applicant No.2 is No.1.
 - 3) **Nashim Harun Mirza**
 Age : 43, Occ. : Agriculture / Household
 - 4) **Minor Rehan Harun Mirza**
 Age : 17, Occ. : -----
 - 5) **Minor Jenam Harun Mirza**
 Age : 15, Occ. : -----
 Parent and natural guardian of minor applicant Nos.4 & 5 is No.3
 All R/o. : Veraval, Dist. : Gir-Somnath.
- Applicants**

VERSUS

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..... Opponent

Appearance :-

Ld. Advocate Mr. R.A. Siraji for the Applicants.

:- J U D G E M E N T :-

1. The present application is filed by the applicants under Sections 8 & 29 of the Guardian and Wards Act, 1890 to nominate applicant No.1 as legal guardian of minor applicant No.2 and applicant No.3 be appointed as legal guardian of minor applicant Nos.4 and 5 to administer and authorize them to sell the share in the property belonging to the minor children.
2. Filtering the unnecessary details, the facts in question and contentions raised by the applicant, which are requisite to be frescoes for the purpose of disposal of present application are as under.
 - i) The applicants have stated that, agricultural lands bearing Khata No.226 situated at village Veraval, Taluka Veraval, District Gir-Somnath, have devolved upon the applicants and their family members by way of inheritance and the said lands are standing in joint names of all co-sharers.
 - ii) It is stated that, applicant No.2 Sufiyan Bapu Mirza and applicant Nos.4 and 5 are minors having share in the joint family property.
 - iii) The applicants have contended that, their family is large, residential accommodation is insufficient and due to weak financial condition, they intend to sell agricultural land bearing Revenue Survey No.603

for the purpose of purchasing residential house property.

- iv) The applicants have further stated that, since the minors have share in the said property, permission of the competent Court is required for sale of the minors' share and therefore, the present application is filed for appointment of applicant Nos.1 and 3 as legal guardians of the minors and for obtaining permission to sell the minors' share in the property.
- v) It is further stated that, there are total 64 co-sharers in the property and each minor has 1/64 share and if the minors' portion is separately partitioned, provisions of the Fragmentation Act would apply.
- vi) The applicants have also stated that, all co-sharers have consented for sale of the property and they are ready and willing to deposit the sale consideration of the minors' share in fixed deposit before the bank, if so directed by the Court.
- vii) Therefore, permission be granted for sale of the joint share of applicant Nos.2, 4 and 5 from agricultural land bearing Revenue Survey No.603 situated at village Veraval, Taluka Veraval, District Gir-Somnath and applicant No.1 be appointed as legal guardian of minor applicant No.2 and applicant No.3 be appointed as legal guardian of minor applicant Nos.4 and 5 for the purpose of sale of the minors' share and guardianship certificate be issued

accordingly.

vii) Hence, the Applicant has filed the present application seeking permission to sell the minor's share in the property.

3. Pursuant to the application, notice was published in the daily newspaper, namely, 'Divyabhaskar' on dated 19.03.2026 vide Exh.22. Despite publication of notice none has appeared nor any one has raised objections against the said prayer.
4. In support of the present application, applicant has produced following true copies :-

Sr. No.	Particulars	Exhibit
1	Certified copy of Village Form No.8-A.	8
2	Certified copy of Village Form No.7 of Revenue Survey No.603.	9
3	Certified copy of Village Form No.12 of Revenue Survey No.603.	10
4	Certified copy of Mutation Entry No.34964	11
5	Certified copy of Mutation Entry No.34965	12
6	Certified copy of Mutation Entry No.34966	13
7	Death Certificate of Bapubhai Mamanbhai Mirza.	14
8	Birth Certificate of minor Sufiyan Bapubhai Mirza.	15
9	Aadhaar Card of minor Sufiyan Bapubhai Mirza.	16
10	Death Certificate of Harun Rahim Mirza.	17
11	Birth Certificate of minor Rehan Harun Mirza.	18
12	Aadhaar Card of minor Rehan Harun Mirza	19

13	Birth Certificate of minor Jenam Harun Mirza.	20
14	Aadhaar Card of minor Jenam Harun Mirza	21

5. In support of the application, applicant Nos.1 and 3 have filed their affidavits for examination-in-chief vide Exh.23 and 24 respectively seeking appointment of applicant No.1 as legal guardian of minor applicant No.2 and applicant No.3 as legal guardian of minor applicant Nos.4 and 5 and to authorize them to sell the share of property belonging to their minor children. They have stated that, no objection has been raised against the present application and none of the co-sharers have any objection, if permission is granted to sell the share of the minors in the land in question. Other co-sharers of the property in question have filed affidavits at Exhs. 26 to 79 and have categorically stated that, they have no objection to granting permission for sale of the share of the minors in the property in question.
6. I have heard the learned Advocate for the applicants and considered the submissions advanced. He has mainly argued that, applicants have no objection, if permission is granted subject to protecting the amount of share of their minor children. I have also carefully considered the documentary evidence produced by the applicants on record.
7. Upon appreciation of the oral as well as documentary evidence produced on record, it appears that, applicant No.5 Jenam Harun Mirza is minor and has share in the joint family property situated at village Veraval, Taluka Veraval,

District Gir-Somnath. It further appears that, during the pendency of the present application, applicant No.2 Sufiyan Bapubhai Mirza and applicant No.4 Rehan Harun Mirza have attained majority and therefore, the relief sought regarding appointment of guardian and permission to sell their respective shares has become infructuous. The applicants have sought permission to sell the share of minor applicant No.5 in the property for the purpose of purchasing residential house property due to insufficient residential accommodation and weak financial condition. The documentary evidence produced on record coupled with the affidavits filed by applicant Nos.1 & 3 and other co-sharers of the property in question establish that, no objection has been raised by any person against the present application and as per their affidavits, they have no objection to granting permission for sale of the share of minor applicant No.5 in the property in question. Considering the welfare and interest of minor applicant No.5 and the facts and circumstances of the case, this Court is of the opinion that, if appropriate condition is imposed for protecting the sale consideration amount of the share of minor applicant No.5 by directing applicant No.3 to deposit the same in fixed deposit in any nationalized bank till the minor attains majority, no prejudice would be caused to the interest of the minor.

8. As per the above discussion, under these circumstances, the application deserves to be allowed with condition, itself to meet with the ends of the justice and survive the core of

Guardian and Wards Act. There is substance in the application and after publication of public notice no objector has appeared. On the other hand, the applicant has proved the entire prayer with documentary as well as oral evidence. Under these circumstances, this Court is of the considered opinion that the application deserves to be partly allowed with suitable conditions, itself to meet with the ends of justice and serve the object of the Guardian and Wards Act. Hence, in the larger interest of justice the following order is passed.

:- ORDER :-

- The present Civil Misc. Application No.17 of 2026 is hereby partly allowed.
- It is declared that, applicant No.2 Sufiyan Bapubhai Mirza and applicant No.4 Rehan Harun Mirza have attained majority during the pendency of the present application and therefore, the prayer regarding appointment of guardian and permission to sell their respective shares has become infructuous.
- Applicant No.3 Nashim Harun Mirza is hereby appointed as legal guardian of minor applicant No.5 Jenam Harun Mirza.
- Applicant No.3 is hereby permitted to sell the share of minor applicant No.5 Jenam Harun Mirza from agricultural land bearing Account No.226, Revenue Survey No.603, Hector-Are-Sq.mt. 2-98-46, situated at Veraval, Taluka Veraval, District Gir-Somnath.
- It is directed that, applicant No.3 shall not sell the

property below the prevailing Jantri Rate.

- The Guardianship Certificate be issued in prescribed form accordingly.
- No order as to costs.
- Decree be drawn accordingly.
- It is also ordered that, the permission is given to sell the above stated property of minor applicant No.5 upon following conditions;

1. Applicant No.3 is hereby ordered and directed to deposit the entire amount of the share of minor applicant No.5, which will be received from vending the above said property of land, within 7 (Seven) days of selling, in the name of minor applicant No.5 in the Fixed Deposit Account with any Nationalized Bank for 5 years till minor applicant No.5 attains majority or for a period of five years, whichever is later.
2. Applicant No.3 is at liberty to withdraw periodical interest accrued in the said account and is directed to spend the same towards the upkeep, welfare, maintenance and education of minor applicant No.5.
3. Applicant No.3 is directed to produce certified copy of the registered sale deed pertaining to the property in question within 1 year from the

date of this order.

4. Applicant No.3 shall furnish a copy of the fixed deposit receipt of the Nationalized Bank before this Court within 30 days.
5. Guardianship Certificate under Section 7 of the Guardian and Wards Act, 1890 be issued accordingly.
6. Applicant No.3 shall execute a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) as security for due compliance of the above conditions.
7. Registry is directed to send Yadi to the concerned Bank not to release the fixed deposit of minor applicant No.5 without prior permission of this Court or till the said minor attains majority.

Pronounced and signed in the open Court today on 15th day of June, 2026.

Date : 15.06.2026

Place : Veraval.

(Vikramsingh B. Gohil)

Principal District Judge,
Gir Somnath at Veraval.
Unique ID No.GJ01042