



Received on	18	10	2025
Registered on	18	10	2025
Decided on	13	03	2026
Duration	Day	Month	Year

=====

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE
AT PORBANDAR.**

=====

CIVIL MISC. APPLICATION NO.76 OF 2025

Exh.22

APPLICANT

HETALBEN HARISHBHAI BORSIA,
Female: Age: 39, Occu. House-hold Work,
Address:
Chamunda Krupa,
Behind Gaushala,
Navapara,
Khapat,
Porbandar.

Appearance:

Mr. A. R. Lakhani, Ld. Advocate for the applicant.

Subject: Civil Misc. Application seeking permission to sell
the share of minor child in the immovable property.

:: JUDGMENT ::

(1) The applicant has preferred this Civil Miscellaneous Application under Sec.7 of the Guardian & Wards Act, 1890 and Sec.8(2) of the Hindu Minority & Guardianship Act, 1956

seeking permission to sell the share of her minor children in the immovable property.

(2) The brief facts of the present case are that the applicant was married to one Harish Lakha Borsia and out of this wedlock one son is born to them who is currently minor. The husband of the applicant has expired on 04.02.2023 and after some needs and requirements, she wants to sell her minor children's share in the immovable property.

(2.1) It is further stated that the applicant's husband had property described as under :-

City Survey Ward No.1, City Survey No.7441-paiki on main road, without frontage only with right over ground floor Shop No.G-7, Area Sq.Yard 14-67, Sq.Mtrs 12-26 with constructed area, situated in Porbandar Nagarpalika, Gujarat State Sub-Division Porbandar, Opposite Old Police Line, Registered Sale-Deed No.354, dated 30.01.2017, the details are in the name of the applicant's husband as recorded in the City Survey Property Card at Serial No.4585, after his death, inheritance is entered in the property and recorded in the City Survey Property card at Serial No.9305 in which the names of applicant and her son "Vansh Harishbhai Borsia" have been entered in the property card as per which the revenue record is currently in their names.

(2.2) The applicant has further submitted that after the death of her husband, it is getting difficult day by day to maintain her minor child by the applicant. With these submissions the applicant has prayed that she may be permitted to sell her minor child's share in the above-stated immovable property as she does

not get any profit from the said property. The applicant has further submitted that after selling the said property, she will invest the recovered money for the maintenance, upbringing and education of her minor child.

(3) The application was registered and order was passed to publish a public notice via newspaper publication inviting objections from the public at large. In accordance of the order so passed, the applicant arranged for the publication of the public notice in a local daily newspaper "Divya Bhsakar", publication dt.08.11.2025, a copy of the same has been produced and is taken on record vide Exh.19, but till date no objection has been received by this Court from any third person against the instant application.

(4) The applicant was then called upon to submit her case and in support of her case, the applicant has submitted her affidavit vide Exh.13 and Consent affidavits of other witnesses vide Exh.10, Exh.11 & Exh.12 which are taken on record as well as documentary evidences list vide Exh.4 as follows;

Sr. No.	Documentary Evidence	Exh.
1.	Death Certificate of deceased Harish Lakha Borsia	15
2.	Birth Certificate of minor Vansh Harish Borsia	16
3.	Copy of Registered Sale-Deed No.354, dated 30.01.2017	17
4.	City Survey Property Card	18
5.	Divya Bhaskar Daily Newspaper	19

(4.1) Relying upon the affidavit of the applicant vide Exh.13, Consent affidavits of other witnesses vide Exh.10,

Exh.11 & Exh.12 and on the documentary evidences placed on record, the learned advocate for the applicant has submitted that the applicant being a lady and it is getting difficult day by day to maintain her minor child. So, applicant wants to sell the share of her minor child in the said property and she will utilize this money for the maintenance, education and upbringing of her minor child therefore kindly allow this application of applicant to sell the share of her minor child in above stated property.

(5) Heard, the Learned Advocate for the applicant; read the application and perused all the evidences.

(6) The applicant has produced her affidavit on oath vide Exh.13. From the said deposition of applicant on oath and the documents produced in support thereof, it clearly appears that the applicant is handling all the responsibilities of her child after the demise of her husband and for better living and maintenance of her minor child and also for maintenance of the above immovable property, she is required to sell the share of her minor child in the said immovable property. The applicant has also deposed on oath that she will take all necessary care of her above-named minor child and she will also see and look that the interest of her minor shall be protected. She has also stated on oath that she is ready and willing to abide by any of the conditions that may be imposed by this Court. There is no doubt in believing that the applicant, being natural guardian and mother of her minor child, is the best person to look after his welfare, property, person and betterment.

(7) Thus, in view of the facts and evidence placed before this Court, there is no reason to disbelieve or discredit the applicant.

Moreover, in spite of the public notice, no one has turned-up before this Court to oppose the instant application. Hence, in view of the entire facts and evidence placed before this Court, it is evident that the necessity shown by the applicant to sell the share of her minor child is a genuine one, moreover, such sale shall be for the evident advantage to the minor as the sale proceeds shall be utilized on the upbringing and education of the said minor. Accordingly, the permission sought under Section-7 of the Guardian & Wards Act, 1890 and Section-8(2) of the Hindu Minority and Guardianship Act, 1956 deserves to be granted and the present applicant is required to be permitted to sell the minor's share in the immovable property in question subject to certain conditions imposed hereinafter in the final order:

:- ORDER :-

1. The present application is hereby allowed.
2. The Applicant namely, **Hetalben Harishbhai Borsia** is hereby permitted to sell the share of her minor son namely, **Vansh Harish Borsia** in the capacity of his natural guardian and to carry out all the procedure relating to such sale on behalf of her minor child relating to the immovable property as mentioned herein-above in para-2 **in a way which is in the best interest for the welfare of her above named minor son.**
3. It is hereby clarified that no right and title of the property has been established or proved by this order.
4. **Conditions:-**
 - a) After the sale, out of the sale consideration the proportionate share of minor child shall be deposited as a

fixed deposit in the name of the minor in any nationalized bank of the choice of the applicant, for a period till the minor attains majority and the applicant, being his natural guardian shall look after the procedure for the same.

b) True copies of the conveyance papers regarding the property on the event of the sale of the same and the copy of the Fixed Deposit Receipt mentioned in condition no.(a) shall have to be produced in this Court within 03 months from the date of the sale.

c) The Bank in which the amount is invested as fixed deposit receipts shall not grant any loan, create charge or encumbrance over the said F.D.R. without prior permission of this Court.

d) This order will come into force only if the applicant furnish a personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) to guarantee the fulfillment of above conditions and shall be in force till the date submitting the copies as mentioned in condition no.(b) above.

Signed and pronounced in the open court today on
this **13th DAY OF MARCH, 2026 at Porbandar.**

Date:- 13.03.2026.
Place:- Porbandar.

(**M. A. BHATTI**)
Principal District Judge,
P O R B A N D A R
Code No. **GJ01506**