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

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**CIVIL MISC. APPLICATION NO.83 OF 2025**

Exh.....

**APPLICANT:**

**DAXABA INDRAJITSINH ZALA,**

Female: Age: 30, Occu. House-hold Work,

Address:

Gayatri Society,

Kadiya Plot,

Porbandar.

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**Appearance:**

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

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

**:: JUDGMENT ::**

(1) The applicant has preferred this Civil Miscellaneous Application under Sec.7, 29 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 Indrajitsinh Merubha Zala and out of this wedlock two sons namely Rudrarajsinh and Vishvajitsinh are born to them who are currently minors. The husband of the applicant passed away on 25.10.2022 and on account of 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 and her husband had purchased property bearing City Survey Ward No.2, Survey No.6004 paike House No.L-36 Sq.Mtrs.153-34 with constructed house situated in Taluka Porbandar, District Porbandar, Registered Sale-Deed No.6066, dated 03.11.2020, in the names of applicant and her husband as recorded in the City Survey Property Card at Serial No.10677, dated 09.02.2021 and after death of applicant's husband, inheritance is effected in the records of the property and as per the City Survey Property Card at Serial No.12375 the names of applicant and her sons Rudrarajsinh Indrajitsinh Zala and Vishvajitsinh Indrajitsinh Zala 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 demise of her husband, it is getting difficult day by day to maintain her minor children by the applicant. With these submissions the applicant has prayed that she may be permitted to sell her minor children'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 children.

(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 caused publication of the public notice in a local daily newspaper "Divya Bhsakar", publication dt. 20.11.2025, a copy of the same has been produced and is taken on record vide Exh.20, 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.11 and Consent affidavits of other witnesses vide Exh.08 & Exh.12 which are taken on record as well as documentary evidences list vide Exh.4 & Exh.10 as follows;

<b>Sr. No.</b>	<b>Documentary Evidence</b>	<b>Exh.</b>
1.	Affidavit of Manoharsinh Merubha Zala, brother of deceased husband of applicant	08
2.	Pedigree on affidavit	09
3.	Affidavit of Bharatsinh Zala, brother of deceased husband of applicant	12
4.	Death Certificate of Merubha Jilubha Zala	21
5.	Death Certificate of Jayaba Merubha Zala	22
6.	Death Certificate of deceased Indrajitsinh Merubha Zala	15

Sr. No.	Documentary Evidence	Exh.
7.	Birth Certificate of minor Rudrarajsinh Indrajitsinh Zala	16
8.	Birth Certificate of minor Vishvajitsinh Indrajitsinh Zala	17
9.	Copy of Registered Sale-Deed No.6066, dated 03.11.2020	18
10.	City Survey Property Card	19
11.	Divya Bhaskar Daily Newspaper	20

(4.1) Relying upon the affidavit of the applicant vide Exh.11, Consent affidavits of other witnesses vide Exh.08 & Exh.12 and on the documentary evidences placed on record, the learned advocate for the applicant has submitted that the applicant being a lady, it is getting difficult day by day to maintain her minor children; therefore applicant wants to sell the share of her minor children in the said property and she will utilize this money for the maintenance, education and upbringing of her minor children, therefore this application for permission to sell the share of her minor children in above stated property may kindly be allowed.

(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.11. 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 children after the demise of her husband and for better living and maintenance of her minor children and also for maintenance of the above

immovable property, she wants to sell the property along with the share of her minor children in the said immovable property. The applicant has also deposed on oath that she will take all necessary care of her above-named minor children and she will also see and look that the interest of her minor children 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. Moreover, the applicant has also produced affidavits of Manoharsinh Merubha Zala & Bharatsinh Zala who are brothers of deceased husband of applicant vide Exh.08 & Exh.12 respectively, wherein they have supported the present application and conveyed that they have no objection if the present application will be allowed. There is no doubt in believing that the applicant, being natural guardian and mother of her minor children, is the best person to look after their 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 children is a genuine one, moreover, such sale shall be for the evident advantage to the minors as the sale proceeds shall be utilized on the upbringing and education of the said minors. Accordingly, the permission sought under Section-7, 29 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 minors' 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, **Daxaba Indraajitsinh Zala** is hereby permitted to sell the share of her minor sons namely, **Rudrarajsinh Indraajitsinh Zala and Vishvajitsinh Indraajitsinh Zala** in the capacity of their natural guardian and to carry out all the procedure relating to such sale on behalf of her minor children 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 sons.**
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 children shall be deposited as a fixed deposit in the name of the minors in any nationalized bank of the choice of the applicant, for a period till the minors attain majority and the applicant, being their 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 **24<sup>th</sup> DAY OF APRIL, 2026 at Porbandar.**

Date:- 24.04.2026.  
Place:- Porbandar.

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