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 Decided On : 17/03/2026  
 Duration : Y M D  
 1 28

Exhibit : 9

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,  
 AT ::::: SURENDRANAGAR.**

**Civil Misc. Appln. No. 3/2026.**

Minor Malek Alveera Aarifbhai,  
 Though her natural guardian & mother ;  
 Malek Shaydaben Aarifbhai,  
 Res. At ; Mill road area, Kanti Cotton Mill road,  
 Surendranagar.

..... Applicant.

**APPEARANCE :**

.....  
 Mr.J.K.Dave, L.A. for the Applicant.  
 .....

**Subject ; Application U/s.8,9 and 29 of of Guardian &  
 Wards Act to sell the property of minor.**

**:: JUDGMENT ::**

1. The applicant, Malek Shaydaben Aarifbhai prays that she may be permitted to sell the respective share of her minor daughter Malek Alveera Aarifbhai aged 8 years in the house on the land admeasuring 21.46 sq. mtrs., situated opposite *Dela* of Kanti Cotton Mill, towards Mill road within the limit of Surendrangar Municipal Corporation bearing Surendranagar City Survey Ward No.2, City Survey Entry No.2632, for the purpose of the maintenance and welfare of the said minor.

2. It is the say of the applicant that she is the mother of the her minor daughter Malek Alveera Aarifbhai aged 8 years. That the house was purchased by mother in law – Sugaraben Mustufabhai Malek of the applicant from Sultanbhai Badarbhai Sipai vide registered sale deed No.2412 on 01/10/2001 and after the death of the mother in law on 12/10/2015 and father in law on 22/08/2014 and husband of the applicant-Aarifbhai Mustufabhai Malek on 20/09/2018, the house is mutated in the names of the present applicant, minor and other co-owners. That, the minor is possessing her respective share in the property and the house is in dilapidated condition and remains unused and after the death of the husband of the applicant, finance is required for the purpose of welfare, education and maintenance of the said minor. Hence, it is requested that the applicant may be permitted to sell the respective share of minor daughter Malek Alveera Aarifbhai in the property in question. In the circumstances stated above, this application is being made in the best interest, welfare of the minor and is being filed in bona-fide need.

3. In support of the application, the applicant has produced the following evidence ;

| <b>Description</b>                                       | <b>Exh./<br/>Mark</b> |
|--|-----------------------|
| Copy of death certificate of Aarifbhai Mustufabhai Malek | 3/1                   |
| Copy of ration card                                      | 3/2                   |
| Copy of birth certificate of the minor                   | 3/3                   |
| Copy of Aadhar Card of the applicant                     | 3/4                   |

|  |     |
|--|-----|
| Copy of Aadhar Card of the minor   | 3/5 |
| Copy of Property Card of the house   | 3/6 |
| Copy of agreement to sell of the property executed in favour of the proposed purchaser | 3/7 |
| Affidavit of the applicant   | 5   |
| Affidavit of Mayudinhai Mustufabhai Malek  | 6   |
| Affidavit of Shabanaben Mustufabhai Malek  | 7   |
| Affidavit of Rozinaben Mustufabhai Malek   | 8   |

4. Learned advocate for the applicant Mr.J.K.Dave has argued in consonance with the applicant's application and has submitted that since finance is required for the purpose of maintenance, education and welfare of minor daughter, the applicant may be permitted to sell the property of the said minor. Learned advocate Mr.J.K.Dave has fairly submitted that the applicant is willing to comply whatever condition imposed by this Court in order to protect the interest of the minor of the present application.

5. On perusal of the application, it transpires that in the interest of minor, the applicant has prayed for permission to sell minor's share in the immovable property. Not only this, the birth certificate of the minor and copy of the Property Card, show that at present Malek Alveera Aarifbhai is minor and after the death of Aarifbhai Mustufabhai Malek, the names of the present applicant and minor and other co-owner are mutated in the record of the property.

6. It is also pertinent to note that another family members of the applicant have submitted their affidavit at Exhs.6 to 8

wherein, they have supported the application of the applicant and have stated that they have no objection if the application is granted to sell the respective share of the minor in the property. The applicant has also categorically stated in the application that she will use the amount of share of the minor for the interest and betterment of the minor.

7. In view of the aforesaid facts, circumstances and documents produced by the applicant on record, it is a fit case where prayer to sell the respective share of the minor in the property is required to be granted for the welfare of the minor. It is paramount consideration of the court that welfare of minor is required to be looked. It also appears that the minor is under the care of applicant Malek Shaydaben Aarifbhai, who is her real mother. Hence, it is believable that after the death of her husband, finance is required for the purpose of maintenance, education and welfare of the said minor and therefore, interest, betterment and future of the minor are required to be looked into under the provisions of the Act. Hence, in the aforesaid facts and circumstances, it is just and desirable that applicant Malek Shaydaben Aarifbhai would be permitted to sell the respective share of the minor in the property, which are mentioned in the application by imposing suitable conditions in the interest of minor. Hence, in the interest of justice, following order is passed:-

**:: O R D E R ::**

The present application is hereby allowed.

Applicant, Malek Shaydaben Aarifbhai is permitted to sell the respective share of her minor daughter Malek Alveera Aarifbhai in the house on the land admeasuring 21.46 sq. mtrs., situated opposite *Dela* of Kanti Cotton Mill, towards Mill road within the limit of Surendrangar Municipal Corporation bearing Surendranagar City Survey Ward No.2, City Survey Entry No.2632, for the purpose of the maintenance and welfare of the said minor with the following conditions;

[a] The applicant shall not sell the property below the prevailing market rate of the concerned area.

[b] The applicant shall keep the entire amount of sale consideration of the minor's share in the property in Fixed Deposit in the name of the minor in any nationalized bank through her guardian i.e the applicant till the minor attains majority.

[c] No loan, overdraft or advance known by any other name or nomenclature shall be made available on said fixed deposit investment and the bank shall not allow any encumbrance on the said fixed deposit.

[d] However, the applicant will be entitled to receive periodical interest accrues from the said fixed deposit amount and is permitted to use the said amount for the interest and welfare of the minor only, which are necessary, reasonable and proper for the benefit of the minor.

[e] The applicant shall produce copy of registered sale-deed along with her affidavit stating therein the amount of consideration received by her by disposing of the property and

Fixed Deposit Receipt within one month from entering into the sale transaction.

The non-compliance of the above conditions shall be treated as sufficient ground for cancellation of the above order.

Pronounced in the open Court on this **17<sup>th</sup>** day of **March, 2026.**

Date : **17/03/2026**

Place: Surendranagar.

**(KAILASNATH R. UPADHYAY)**

Principal District Judge,

Surendranagar.

(GJ00333).