

1. The applicant, Kanchanben Lakhmanbhai Dabhi w/o. Saradiya Bharatbhai prays that she may be permitted to sell the respective shares of their brothers and sisters named minor Kiran Lakhmanbhai Dabhi, minor Mithun Lakhmanbhai Dabhi, minor Shobha Lakhmanbhai Dabhi, minor Lakhmiben Lakhmanbhai Dabhi and minor Shravan Lakhmanbhai Dabhi in the land admeasuring 5-13-95 Hec-Are-Sq.Mtrs. bearing Survey No.144/3, Khadta No.26 situated in village Devpara (Than),

Tal.Thangadh, Dist. Surendranagar for the welfare of the said minors.

2. It is the say of the applicant that the mother – Ranjanben and father – Lakhmanbhai of the minors died on 06/05/2025 and 19/03/2023 respectively and the applicant is the sisters of the minors. That after the death of Kanjibhai Merabhai, who was the father of the minors' mother and death of the mother of the minors – Rajanben Kanjibhai w/o. Lakhmanbhai Dabhi, the land in question is mutated in the names of the minors and other co-owners. Hence, it is requested that the applicant may be permitted to sell the respective shares of the minors in the property in question. In the circumstances stated above, this application is being made in the best interest, welfare of the minors and is being filed in bona-fide need.

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

Description	Exh./ Mark
Copies of Village Forms	3/1 to 3/2
Copies of death certificates of parents of the minors	3/3, 3/4
Pedigrees of deceased Ranjanben and deceased Kanjibhai	3/5,3/6
Copies of Birth Certificates, Aadhar Cards and Ration Card of the minors	3/7 to 3/17
Copy of Aadhar Card of the applicant	3/18
Affidavits of co-owners	Exh.5 to 21

4. Learned advocate for the applicant Mr.J.K.Dave has argued in consonance with the applicant's application and has submitted that the applicant may be permitted to sell the property of the said minors for their welfare. Learned advocate Mr.J.K.Dave has fairly submitted that another agricultural land is mutated in the name of the minors protecting their right as agriculturist and 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. It transpires from the copies of the birth certificates of Kiran Lakhmanbhai Dabhi, Mithun Lakhmanbhai Dabhi, Shobha Lakhmanbhai Dabhi, Lakhmiben Lakhmanbhai Dabhi and Shravan Lakhmanbhai Dabhi that at present they are minor. It also transpires from the documents on record that after the death of their mother - deceased Kanchanben, the property is running in the joint names of the applicant, minors and other co-owners. The applicant is the real sister of the minors and parents of the minors had died. Moreover, the co-owners of the land, who are also relatives of the minors, have filed their affidavits vide Exhs.5 to 21 respectively, wherein, they have supported the contents of the present application. Moreover, as per the application and documents on record, there exists another agricultural land mutated in the names of the minors and hence, if the present land is question is sold, the right of the minors as agriculturists would remain protected.

6. In view of the aforesaid facts, circumstances and documents produced by the applicant on record, this is a fit case

where prayer to sell the respective shares of the minors in the property is required to be granted. It also appears that the parents of the minors have died and applicant Kanchanben Lakhmanbhai Dabhi wife of Saradiya Bharatbhai, is their real sister. It further appears that the land in question originally belonged to the father of their mother. Hence, in the aforesaid facts and circumstances, it is just and desirable that applicant Kanchanben Lakhmanbhai Dabhi w/o. Saradiya Bharatbhai would be permitted to sell the respective shares of the minors in the property, which is mentioned in the application by imposing suitable conditions in the interest of minors. Hence, in the interest of justice, following order is passed:-

:: O R D E R ::

The present Civil Misc. Application is hereby allowed.

Applicant, Kanchanben Lakhmanbhai Dabhi w/o. Saradiya Bharatbhai is permitted to sell the respective shares of her brothers and sisters named minor Kiran Lakhmanbhai Dabhi, minor Mithun Lakhmanbhai Dabhi, minor Shobha Lakhmanbhai Dabhi, minor Lakhmiben Lakhmanbhai Dabhi and minor Shravan Lakhmanbhai Dabhi in the land admeasuring 5-13-95 Hec-Are-Sq.Mtrs. bearing Survey No.144/3, Khadta No.26 situated in village Devpara (Than), Tal.Thangadh, Dist. Surendranagar for the purpose of welfare of the said minors 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 minors' shares in the property in Fixed Deposit in the names of the minors in any nationalized bank through their 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 minors.

[e] The applicant shall produce copy of registered sale-deed along with her affidavit stating therein the amount of consideration received by him 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 open Court today on this **16th** day of **July, 2026.**

Date : 16/07/2026
Place: Surendranaga

(KAILASNATH R.UPADHYAY)
Principal District Judge,
Surendranagar.
(GJ00333)