

CNR No. GJSN010009752026

Regi. No. : CMA/34/2026

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Filed On : 21/04/2026

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Decided On : 29/07/2026

Duration : Y M D
3 8

Exhibit : 9

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

Civil Misc. Appln. No. 34/2026.

1. Minor Kinjalben Ghughabhai,
Age ; 17 years, Occu. ; Study.
2. Minor Sanjaybhai Ghughabhai,
Age ; 15 years, Occu. ; Study,
Minor applicant Nos.1,2 Though their natural guardian &
mother ; Labhuben Ghughabhai,
All Res. At ; Nagra, Tal.Wadhwan, Dist.SurenDRanagar.

..... Applicants.

APPEARANCE :

Mr.P.V.Koradiya, L.A. for the Applicants.

**Subject ; Application U/s.29 of of Guardian & Wards
Act and U/s.8 of the Hindu Minority and
Guardianship Act to sell the property of minors.**

:: JUDGMENT ::

1. The applicant - Labhuben Ghughabhai prays that she may be permitted to sell the respective shares of her minor daughter Kinjalben Ghughabhai, aged 17 years and her minor son Sanjaybhai Ghughabhai, aged 15 years, in the agricultural land admeasuring 0-80-94 Hec.-Are.-Sq. Mtrs., i.e., 2 acres out

of the total agricultural land admeasuring 3-98-81 Hec.-Are.-Sq. Mtrs., bearing Revenue Survey No. 956 (Old Revenue Survey No. 278) situated at Village Nagra, Taluka Wadhwan, District Surendranagar for the purpose of the maintenance and welfare of the said minors.

1.1 It is pertinent to note that in the application, the applicant has prayed for permission to sell the entire share of the minors in the agricultural land admeasuring 3-98-81 Hec.-Are.-Sq. Mtrs., bearing Revenue Survey No. 956 (Old Revenue Survey No. 278), situated at Village Nagra, Taluka Wadhwan, District Surendranagar, but no other agricultural land stands mutated in the names of the minors and therefore, in order to protect their rights as agriculturists, vide her affidavit at Exh.8 the applicant has prayed for permission to sell only 0-80-94 Hec.-Are.-Sq. Mtrs. of agricultural land out of the total agricultural land admeasuring 3-98-81 Hec.-Are.-Sq. Mtrs.

2. It is the say of the applicant that she is the mother her minor daughter Kinjalben Ghughabhai aged 17 years and minor sanjay Sanjaybhai Ghughabhai aged 15 years. That, after the death of her husband, the property is mutated in joint names of the present applicant and her minor children and other co-owners. That the applicant has the responsibility to maintain her minor children. That, the minors are possessing their respective shares in the property and after the death of the applicant's husband, finance is required for the purpose of welfare, education and maintenance of the said minors. 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
Village Forms of the land in question	3/1 to 3/2
Copy of agreement to sell	3/2
Copy of death certificate of Ghughabhai	3/3
Copies of birth certificates of the minors	3/4 to 3/5
Affidavits of the applicant	7 , 8

4. Learned advocate for the applicant Mr.P.V.Koradiya 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 minors, the applicant may be permitted to sell the property of the said minors. Learned advocate Mr.P.V.Koradiya has fairly submitted that the applicant is willing to comply whatever condition imposed by this Court in order to protect the interest of the minors of the present application.

5. On perusal of the application, it transpires that in the interest of minors, the applicant has prayed for permission to sell minors' shares in the immovable property. Not only this, the birth certificates of the minors and copies of the Village Forms,

show that at present Kinjalben Ghughabhai and Sanjaybhai Ghughabhai are minor and after the death of deceased Ghughabhai i.e. the father of the minors, the names of the present applicant and minors and other co-owners are mutated in the record of the property.

6. Moreover, since no other agricultural land stands mutated in the names of the minors, in order to protect their rights as agriculturists, the applicant has vide her affidavit at Exh.8 prayed for permission to sell only 0-80-94 Hec.-Are.-Sq. Mtrs. of agricultural land out of the total agricultural land admeasuring 3-98-81 Hec.-Are.-Sq. Mtrs.

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 shares of the minors in the property is required to be granted for the welfare of the minors to the aforesaid extent. It is paramount consideration of the court that welfare of minors is required to be looked. It also appears that the minors are under the care of applicant Labhuben Ghughabhai, who is their 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 minors and therefore, interest, betterment and future of the minors are required to be looked into u/s. 8 of the Hindu Minority and Guardianship Act, 1956. Hence, in the aforesaid facts and circumstances, it is just and desirable that applicant Labhuben Ghughabhai would be permitted to sell the respective shares of the minors in the property to the aforesaid extent 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 application is hereby allowed.

Applicant, Labhuben Ghughabhai is permitted to sell the respective shares of her minor daughter Kinjalben Ghughabhai and minor son Sanjaybhai Ghughabhai in the agricultural land admeasuring 0-80-94 Hec.-Are.-Sq. Mtrs., i.e., 2 acres out of the total agricultural land admeasuring 3-98-81 Hec.-Are.-Sq. Mtrs., bearing Revenue Survey No. 956 (Old Revenue Survey No. 278) situated at Village Nagra, Taluka Wadhwan, District Surendranagar for the purpose of the maintenance and 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 respective minors in any nationalized bank through their guardian i.e the applicant till the minors attain 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 Receipts 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 **29th** day of **July, 2026.**

Date : **29/07/2026**
Place: Surendranagar.

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