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DURATION	DYS-MTS-YRS

**EXH.**

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE  
SURENDRANAGAR @ LIMBDI**

**CIVIL MISCELLANEOUS APPLICATION NO.4 OF 2026**

1. Minor Dipakbhai Dhanjibhai Bharwad  
Aged about 17 years,
2. Minor Nehalben Dhanjibhai Bharwad  
Aged about 15 years,
3. Minor Krishna Dhanjibhai Bharwad  
Aged about 12 years,
4. Minor Hitanshi Dhanjibhai Bharwad  
Aged about 10 years,
5. Minor Ridhdhi Dhanjibhai Bharwad  
Aged about 8 years,  
No.1 to 5 through guardian  
Jasuben Dhanjibhai Bharwad  
Aged about 37 years,  
Occupation: Household,  
Residing at: Bodiya,  
Tal. Limbdi, Dist. Surendranagar.

...Applicants

**V/S**

1. Chelabhai Kamabhai Bharwad
2. Maniben Chelabhai Bharwad
3. Hiriben Chelabhai Bharwad
4. Dhanjibhai Chelabhai Bharwad
5. Lakhmanbhai Chelabhai Bharwad  
All residing at: Bodiya,  
Tal. Limbdi, Dist. Surendranagar.

...Opponents

**Subject:** Application u/s.8 of Hindu Minority and Guardianship Act and u/s.29 of the Guardian & Wards Act to appoint him as guardian and for the permission to sell the property with respective share of minors.

**Appearance:** Shri H.M. Makwana, Learned Advocate for the applicant.

**:: J U D G M E N T ::**

1. The present application is filed u/s. 29 of the Guardian & Wards Act and u/s.8 of Hindu Minority Act by the applicant to appoint her as guardian of minor and seeking permission to sell the property along with share of the minor.

2. The brief fact of the application is that-

The applicant Jasuben Dhanjibhai Bharwad is is mother of the minors. The applicant further states that the names of the minors in the property situated at Tal. Limbdi, Village Bodiya, Revenue Record Simjamin Khata No.644 Survey No.190(Old Survey No.90/1) He.0-99-03 are. The applicant is taking care of her minors and also in need of money for maintenance, education and bright future of minors and therefore, requested for permission to sale share of the minors from the above property which will be kept for maintenance, education and bright future and in the interest of the minors and prays that applicant may be permitted to sale the share of the minors in the interest of justice.

3. On admission of the said application, the order was passed to publish notice in widely circulated local newspaper and accordingly, the Public Notice was published on dated 26-01-2026 in Divya Bhaskar Newspaper which is placed on record vide Exh.35. After publication of the said Public Notice in the newspaper, none have appeared or raised any objection against the present application.

4. Applicant namely Jasuben Dhanjibhai Bharwad has filed deposition in the form of affidavit vide Exh.17 and also filed following documentary evidence in support of her affidavit. The other co-owners of this land has also filed affidavit in favour of applicant vide Exh.15 and stated that they have no objection if the application of the applicant will be granted.

5. The applicant has produced following stated documentary evidences:-

<b>Sr. No.</b>	<b>Evidence</b>	<b>Exh. / Mark</b>
1	Birth Certificate of Minor Dipakbhai	19
2	Aadhar Card of Minor Dipakbhai	20
3	Aadhar Card of Jasueben	21
4	Birth Certificate of Minor Nehal	22
5	Aadhar of Minor Nehal	23
6	Birth Certificate of Minor Krishna	24
7	Aadhar Card of Minor Krishna	25
8	Birth Certificate of Minor Hitanshi	26
9	Aadhar Card of Minor Hitanshi	27
10	Birth Certificate of Minor Ridhdhi	28
11	Aadhar Card of Minor Ridhdhi	29
12	Village form no.7/12 and 8/A of Khata No.644	30
13	Village form no.8/A of Khata No.695	31
14	Village form no.8/A of Khata No.570	32
15	Village form no.8/A of Khata No.678	33
16	Jantri	34

6. The following issues have been framed:-

૧. શું અરજદાર માંગ્યા મુજબની દાદ મેળવવા હકકદાર છે ?
૨. શું હુકમ ?

7. My findings on the above issues are as under and the reasons for the same are discussed herein after.

#### **FINDINGS:**

1. In the affirmative.
2. As per final order.

#### **REASONS**

#### **ISSUE NO.1:-**

8. I have heard the Learned Advocate for applicant and also perused the oral as

well as documentary evidence produced by the applicant.

9. Considering the fact of the application as well as the affidavit of the applicant and from the list of the documentary evidence it clearly established that minors are real children of applicant Jasuben Dhanjibhai Bharwad and also looking to the Exh.22 to 34 the name of the minors and applicant were entered in the property situated at Tal. Limbdi, Village Bodiya, Revenue Record Simjamin Khata No.644 Survey No.190(Old Survey No.90/1) He.0-99-03 are. and so, it is required to be sale for the bright future of the minors. Further, minors are having share in above property, is permitted to be sold and that sale amount may be utilized for the welfare of the minors by her mother. Though, public notice is issued in the local newspaper but nobody have filed any objection against the present application. Hence, From the facts and circumstances of the case and considering the guidelines given under the Guardian and Wards Act for education, maintenance and for bright future of the minors share of minors from the property may be permitted to be sold and share of the minors may be kept for exclusive purpose of maintenance and welfare of the minors and therefore, present application is deserves to be allowed. Hence, I answer the issue no.1 in affirmative and pass the following final order in the interest of justice.

**:: ORDER ::**

The present Civil Miscellaneous Application No.4/2026 under the Guardian & Wards Act, is hereby allowed and applicant Jasuben Dhanjibhai Bharwad is hereby permitted to sell the respective share of minors having property situated at Tal. Limbdi, Village Bodiya, Revenue Record Simjamin Khata No.644 Survey No.190(Old Survey No.90/1) He.0-99-03 are on behalf of the minors, with the following conditions.

- (1) Share of sell-amount of minors in the above mentioned property, should be invested in a Fixed Deposit Scheme in the name of minors through minor's mother and natural guardian on usual terms and conditions including that there should not be creation of any charge mortgage etc. upon the Fixed Deposit as well as not to take any loan, advances, etc. upon the Fixed Deposit or premature

- withdrawal of Fixed Deposit without prior permission of this Court, in any of the nationalized bank till the minors attains status of major or for five years whichever is later.
- (2) The applicant is at liberty to withdraw periodical interest accrued in the said accounts and directed to spend it behind maintenance and welfare of minors till minors attains status of major.
- (3) Receipt of such Fixed Deposit amount in the name of minors and concerned bank passbook, are required to be produced before this Court within fifteen days of selling the above mentioned property.
- (4) The applicant is further directed to submit quarterly accounts/statements of the said Fixed Deposits and the expenditure incurred by the applicant for the maintenance of the minors, before the Nazir of this Court.

Necessary guardianship certificate is to be issued as per rules.

No order as to costs.

Signed and pronounced in open Court today on 25<sup>th</sup> Day of March, 2026.

Date:25/03/2026

Place:Limbdi

(P.T. Patel)  
Additional District Judge,  
Limbdi, Dist. Surendranagar  
*Code No.GJ00528*