


MHAH070011542025 	Presented on	:	01/12/2026
	Registered on	:	01/12/2026
	Decided on	:	09/03/2026
	Duration	:	<u>Y.</u> <u>M.</u> <u>Ds.</u> 00 03 08

IN THE COURT OF AD-HOC DISTRICT JUDGE - 1, SANGAMNER,
TAL. SANGAMNER, DIST. : AHMEDNAGAR.
(Presided over by M. M. Shaikh)

Civil M. A. No.90 of 2025

Exhibit No. 16

1.	Gause Raza Mohammad Taiyyab			... Applicants
	Age	:-	15 Years	
	Occupation	:-	Education	
	Minor, Legal Guardian Father-Mohammad Firoz Mohammad Ilyas Ansari			
2.	Mohammad Firoz Mohammad Ilyas Ansari			
	Age	:-	43 Years	
	Occupation	:-	Business	
	Both R/o. :- Hindustan Tyres, Wadgaonpan Kolhar-Ghoti Road, Sangamner			
	Taluka	:-	Sangamner	
	District	:-	Ahmednagar.	
	<u>VERSUS</u>			
1.	Rabiya Khatoon Mohammad Ilyas Ansari			... Respondents/ Opponents.
	Age	:-	38 Years	
	Occupation	:-	Nil	
2.	Mohammad Iqbal Mohammad Ilyas Ansari			
	Age	:-	32 Years	
	Occupation	:-	Business	

3.	Mohammad Maqbool Mohammad Iliyas Ansari		
	Age	:-	31 Years
	Occupation	:-	Business
	R/o.	:-	Hindustan Tyres,
	Wadgaonpan Kolhar–Ghoti Road, Sangamner		
	Taluka	:-	Sangamner
	District	:-	Ahmednagar.

Application : Under Section 9 of the Guardian and Wards Act.

: Advocates appeared :

For the Applicants : Advocate S. J. Aher.

For the Respondents : Advocate S. R. Tajanpure.

: J U D G M E N T :

(Delivered on : 09/03/2026)

This is an application under Section 9 of the Guardian and Wards Act, for permission to mortgage the property.

2] It is stated that, applicant no. 2 is the father of applicant no. 1. Applicant no.2 and opponent nos. 1 to 4 are brothers and sister inter-se. Applicant no.1 is maintained by applicant no.2. The applicant no.2 along with all the opponents had purchased plot bearing no.186/1/3/59 of Sangamner Budruk on 09.01.2020 by

registered sale-deed. Accordingly, their names are recorded to the record of rights. Due to expansion of family, they want to construct new house on said plot. For that purpose they have obtained construction permission from Sangamner Municipal Council. The Building plan is also sanctioned. Considering the budget of construction it is necessary for them to obtain loan. Therefore, they had applied at State Bank of India for the loan. Said bank asked them to bring permission of the court. It constrained the applicants to file present application. It is submitted that, applicant no.2 and opponents will repay the loan. On these grounds applicant no. 2 has prayed to permit him to mortgage the above stated property for obtaining loan from the bank.

3] Opponent nos. 1 to 3 submitted pursis exhibit 10 and given their no objection to allow the application.

4] The applicants have produced 7/12 extract of property vide list exhibit 3. It is seen that, the property described in application para no.1 is recorded in the name of the applicants and opponents. Copy of Sale deed dated 09.01.2020 shows that, said property was purchased by them on 09.01.2020. Copy of Permission issued by Sangamner Municipal Council shows that, construction permission is sanctioned on said property. All these documents supports the case of applicant.

5] The applicants have filed affidavit of applicant no. 2 vide exhibit 5. The name of applicant is mentioned in the sale-deed dated 09.01.2020 and he is shown as minor.

6] The opponent nos. 1 to 3 filed consent pursis vide exhibit 10. They have admitted contents of application and they have no objection to the application.

7] The points for determination along with findings thereon are as under:-

Sr. No.	POINTS	FINDINGS
1]	Whether the applicants are entitled for permission to mortgage the immovable property of minor as described in the application ?	...Yes.
2]	What Order ?	...As per final order.

REASONS

AS TO POINT NO. 1 :-

8] As stated above, the applicants have produced documentary evidence on record. The applicants examined applicant no. 2 as A.W. No. 1 exhibit 11 on their behalf in support of their application. He has reiterated the facts of application in his affidavit. It is seen that, applicant no. 1 is minor and applicant no. 2 is his

father. All the opponents are brother and sister of applicant no.2. They have jointly purchased the plot mentioned above. They want to construct house on it. For that purpose they want to obtain loan from State Bank of India. Hence, it is necessary for the applicant no.2 to mortgage entire property with the bank. It is submitted by Ld. Advocate for the applicants that, if the property is not mortgaged it would be difficult to raise funds for house construction and applicant no. 1 who is minor would suffer. It shows that, proposed mortgage is for bonafide reason and welfare of the minor. Therefore, it is necessary to grant the permission as prayed. Otherwise, construction of house in the name of applicants and opponents will not be possible. The welfare of the minor is the paramount consideration while considering such application. In the present matter the applicant has sought permission to mortgage the property of minor to meet the expenses of construction of house for the minor. While granting permission it is necessary to impose certain conditions to protect the interest of the minor. Hence, point no.1 is answered in the affirmative and in answer to point no.2 following order is passed.

: ORDER :

1. The application is allowed.
2. The applicant no.2 is allowed to mortgage the property i.e. plot bearing no.186/1/3/59 of Sangamner Budruk Tal. Sangamner as described in application paragraph no.1 subject to following conditions :-

(Judgment)

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(Civil M. A. No. 90/2025)

- (a) The applicant no.2 shall use the amount of mortgage for construction of house.
- (b) The applicant no.2 to submit the details of utilization of amount of mortgage proceeds.

Date : 09/03/2026.
Sangamner.

(M. M. Shaikh)
Ad-hoc District Judge -1,
Sangamner.