


MHBU040002162025 	Presented On :	21.02.2025
	Registered On :	21.02.2025
	Decided On :	10.03.2026
	Duration :	Y. M. Ds 01. 00. 17.

BEFORE THE DISTRICT JUDGE – 1, KHAMGAON
DISTRICT : BULDHANA.

(Presided over by **Ganesh B. Jadhav**)

Civil MA No.16/2025

Exh.No.01

Mayur Vijay Kahate,
Age about - 15 years, Occu- Education,
Through his natural guardian father-
Vijay Tukaram Kahate,
Age about – 43 years, Occu- Agriculturist,

R/o. Tivdi Ajampur,
Tq.Jalgaon Jamod, Dist.Buldhana.

... **Applicant**

Versus

Nil

... **Non applicant**

Application under Section 08 and 29 of the Hindu Minority and Guardianship Act, for permission to sell the property of minor applicant

....

Mr. G.R.Bhaltadak, Advocate for the applicant.

....

Order below Exh.1

1] This is an application filed by the minor applicant Mayur Vijay Kahate through his natural guardian father Vijay Tukaram Kahate under Section 08 and 29 of the Hindu Minority and Guardianship Act, for permission to sell the property of minor applicant.

2] The facts of the applicant's case are as under :-

That applicant is minor. His date of birth is 01.6.2010. He is taking education at Adarsh Vidyalaya Manegaon, Tq. Jalgaon Jamod, Dist.Buldhana in 9th standard.

3] The field property situated at village Islampur, Tq. Jalgaon Jamod, Dist.Buldhana, Field Gat No.05, admeasuring 0H, 41R land and Potkharab 0.02R total 0H, 43R out of 6H, 99 R land bounded as :

Towards East : Way,

Towards West : Field of Rameshwar Jamra,

Towards North : Field of Kadu Khawale,

Towards South : Field of Vij Sapkal, is in the name of minor applicant under guardian of his mother Geetabai Vijay Kahate. The said Geetabai died on 07.5.2023. Hence, the father of minor applicant namely Vijay Tukaram Kahate is the only guardian of minor applicant Mayur Vijay Kahate. The said property was purchased by the father of minor applicant Vijay Kahate on 13.05.2022 and its mutation entry is bearing No.2204, dated 12.12.2023. Since then the minor applicant Mayur is the owner of said land.

4] The father of minor applicant wanted to give higher education to the minor applicant. The applicant is resident of Tivdi Ajampur and their ancestral land is given in Jigaon Project. It is further submitted that they have no land at Tivdi Ajampur and the land which is in the name minor Mayur is at village Islampupr. The said land is 15 K.M. from the village of applicant and it is difficult to cultivate him. Tivdi Ajampur is a small village and there is no any higher education college near by of it. Hence, for the future and higher education purpose of minor applicant Mayur, it is very necessary to sell the minor property.

5] The agreement of sale is also done in the name of minor applicant Mayur. One Bhursing Husainsing Pawra is ready to purchase the said land. Therefore, it is necessary to sell the property of minor for his education and future. Therefore, permission of this Court is necessary to sell the minor's property.

6] Public notice was issued in news paper 'daily Saamna ' dated 20.3.2025 vide Exh.20 but nobody raised objection till today.

7] Heard the learned advocate Mr.G.R.Bhaltadak for the applicant.

8] In the light of aforesaid facts and circumstances following points arise for my determination and I have recorded my findings thereon for the reasons given below :-

Sr. No.	Points	Findings
1)	Whether sufficient satisfactory reasons shown to sell the property of the minor applicant ?	Yes.
2)	What order ?	Application is allowed.

REASONS

9] In order to prove the claim, the minor applicant's father/natural guardian namely Vijay Tukaram Kahate, filed his affidavit of examination-in-chief at Exh.14 and reiterated the contents of the application. Applicant closed the oral evidence by filing Pursis at Exh21.

10] In support of oral evidence, the applicant has filed bonafide certificate of minor vide Exh.15, 7/12 extract of Gat No.05 of Mauje Islampur vide Exh.16, Form No. 8-A at Exh.17 and extract of mutation entry No.2204 vide Exh. 18. Death Certificate of the mother of minor below the list **Exh.13.**

11] Present application has been filed under Section 08 and 29 of the Hindu Minority and Guardianship Act, 1956. It deals with the powers of natural guardian. As per sub-section 2 of section 8, the natural guardian shall not, without the previous permission of the Court – (a) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of the minor.

As per sub-section 4 of section 8, no Court shall grant permission to the natural guardian to do any of the acts mentioned in sub-section (2) except in case of necessity or for an evident advantage to the minor.

12] After perusal of above provisions, it reveals that, present application is filed by the father of the minor applicant under section 08 and 29 of the Hindu Minority and Guardianship Act, 1956. As per Section 8 of the said Act the father of minor is his natural guardian. Therefore, his father is entitled to sell the property of minor in case of necessity or for an evident advantage. The document i.e. 7/12 extract Exh.16 of Gat No.05 of village Islampur, Tq.Jalgaon Jamod, Dist. Buldhana, shows that applicant and others are the joint owner of 6H, 99R Potkharab land total 0H, 43R land which is subject matter of this application. The father of minor has filed his affidavit of evidence at Exh.15. It shows that he is seeking permission to sell the property of minor for his future and education purpose. Till today nobody has raised objection to grant permission to sell minor property. In such circumstances, if the father of minor is allowed to sell the minor's property then there will be welfare of the minor. There is necessity to sell the property of minor. Hence, I am of the considered opinion that applicant has shown satisfactory reasons to sell the property. Therefore, I answer point No.1 in the affirmative.

13] In the light of above reasons and discussions the application deserves to be allowed. In result, I pass the following order :-

ORDER

1.	Civil M. A. No. 16/2025 is allowed.
2.	Minor applicant namely Mayur Vijay Kahate, through his father natural guardian namely Vijay Tukaram Kahate, is hereby permitted to sell the field Gat No.05 situated at village Islampur, Tq.Jalgaon Jamod, Dist.Buldhana, to the extent of share of minor applicant i.e. 0H, 43R land out of 6H, 99R Potkharab land, more particularly as described in Para No.2 of the application.
3.	Applicant Vijay Tukaram Kahate shall deposit 20% consideration amount in the name of minor applicant in any nationalized bank in fixed deposit till he attains the majority.
4.	There shall be no mutation entry in the name of purchaser till compliance of this order.

Date :- 11 /03/2026

[G. B. Jadhav]
District Judge-1, Khamgaon,
Dist.Buldhana.

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : District Judge- 1, Khamgaon, Dist. Buldana.

Order dated : 11.3.2026

Upload on : 12.3.2026