

Order Below Exh.1 in Civil M. A. 160/2025

This is application Under Section 8 of the Minority and Guardianship Act, 1890 moved by applicant no.1/guardian for an on behalf of minor applicant nos.2 to 5 to transfer/sale their share in the Gat no.356, admeasuring 51R land, situated at mouje Kadwanchi, Tq. & Dist. Jalna (for short 'suit property'). The applicant no. 1 is the mother of minor applicant nos. 2 to 5.

2. It is stated that, applicant nos.2 is minor son and applicants No. 3 to 5 are minor daughters of the applicant No.1. Applicant No.1 is mother and natural guardian of applicant Nos. 2 to 5. She has no any adverse interest against the property of the minors. The agricultural land bearing Gut No.356, total admeasuring 51R standing in the name of Ganesh Bhanudas Gayke, who is husband of applicant No.1 and father of applicant Nos. 2 to 5. After his demise applicant Nos. 1 to 5 become joint owner being the legal heirs. On the basis of said succession mutation entry No.3330 effected in the revenue record and entered name of applicants in the 7x12 extract to the extent of 51R. After the death of Ganesh Gayke, applicants have been left without any support. Following his demise, they borrowed money from relatives to perform his last rites and religious ceremonies. Applicant Nos. 2 to 5 are currently pursuing their education, which involves substantial expenses. Therefore they need financial requirement for their future education and maintenance. Applicant No.2 is mentally challenged. Furthermore, the applicants' residential house is in a dilapidated

condition and as they are destituted, there is an urgent and genuine necessity of a new house. Therefore applicant no.1 decided to sell suit property in the share of minor applicant nos. 2 to 5.

3. Applicant No.1 wants to sale the land to one Suresh Damodhar Gayke and he expressed his readiness to purchase land in Gut No. 356 having total area 51R. Therefore, the applicant No.1 entered into an agreement to sell of suit property and has executed Isar pavati in favour of Suresh Damodhar Gayke on 28/11/2025 for total consideration of Rs.24,86,250/- out of which Rs.50,000/- has been received as earnest amount and remaining shall be paid at the time of registration of sale-deed after obtaining permission from the court. Out of the sale consideration amount, applicant No.1 has decided to purchase a permanent residential house, under the care and support of her mother. Accordingly, she entered into an agreement to purchase a row house owned by Kailas Bapurao Giram, r/o Rammurti, Tq. & Dist. Jalna, situated at Devmurti, Tq. and Dist. Jalna, bearing Gat No. 250, in "Kailas Residency," Row House No.3, admeasuring total built-up area of 61.04 sq. meters for total consideration of Rs. 16,00,000/-. An earnest amount of Rs. 2,00,000/- has already been paid as token money and it has been agreed that the balance amount shall be paid out of the sale of the jointly owned agricultural land belonging to the applicants. Thus, applicants filed present application.

4. On filing application notice was issued to the non-applicant State of Maharashtra. In spite of due service of the notice none appeared for the State. Hence matter proceeded ex parte against respondent. As per the procedure notice is issued by way of paper publication in Dainik "Duniyadari" dated 14/02/2026 calling objection in respect of the impugned subject matter of the application. In spite of paper publication no one raised objection by appearing before the Court.

5. In support of the application, applicant no.1 Kaushalya Ganesh Gayke filed her evidence on affidavit at Exh.11. She reiterated the contents of affidavit as per her application. She further affirms that she is mother and natural guardian of applicant Nos. 2 to 5. She has no any adverse interest against the property of the minors. Applicant no.2 is her minor son and applicants No. 3 to 5 are her minor daughters. After demise of her husband, applicant Nos. 1 to 5 become joint owner as per succession, mutation entry No.3330 dtd. 26/02/2019 effected in the revenue record. After death of her husband, they have no support from anyone. Therefore for financial requirement and future education and maintenance of applicant Nos. 2 to 5, she decided to sell suit property in the share of minor applicant nos. 2 to 5.

6. In support applicant no.1 has filed various documents on record i.e. Adhar-card of applicants nos. 1 to 5 at (Exh.12 to 16) respectively, death certificate of Ganesh Gayke at (Exh.17),

Disability certificate of applicant No.2 at (Exh. 18), 7x12 extract of Gat no.356 at (Exh.19), mutation entry No.3330 at (Exh.20), Issar-Pawati dated 21/11/2025 (Exh.21) & Issar-Pawati dated 21/11/2025 (Exh.22).

7. On perusal of Adhar-cards (Exh.12 to 16) of applicant nos.2 to 5 it reveals that they are minors. On gone through the evidence and documents, it appears that applicant No.1 Kaushalya Ganesh Gayke intended to transfer/sell the suit property which is mutated in the name of her minor son and daughters i.e. applicant nos.2 to 5. She filed verified copies of Issar Pawati (Exh. 20 & Exh. 21) respectively, which shows that she intended to sell suit property to one Suresh Damodhar Gayke for the total amount of Rs.24,86,250/- out of which Rs.50,000/- has been received as earnest amount and remaining shall be paid at the time of registration of sale-deed after obtaining permission from the court. Also as per Exh. 21 applicant No.1 agreed to purchase a row house for total consideration of Rs.16,00,000/- and paid Rs. 2,00,000/- as token money and balance amount shall be paid out of the sale jointly owned agricultural land belonging to the applicants. Thus the applicants wants to sell suit property for the purpose of maintaining themselves and providing future education to minor applicant Nos. 2 to 5 and for purchasing their own house. Therefore I am of the opinion that interest of applicant no.1 is not adverse to the interest of minors. Therefore, considering the grounds, permission can be granted to applicant no.1 to sell the

suit property to Suresh Damodhar Gayke as per Exh.21 and to purchase a house from Kailash Bapurao Giram on certain terms and conditions. I pass following order;

ORDER

1. The Civil M.A.No.160/2025 Under Section 8 of the Guardian and Wards Act, 1890 is allowed.
2. Applicant no.1/guardian **Kaushalya Ganesh Gayke** is permitted to sell the suit property bearing Gut No.356 admeasuring to the extent of 51R situated at mouje Kadwanchi, Tq. & Dist. Jalna, which is standing in the name of minor applicant nos.2 to 5. She is also permitted to purchase a Row House No.2 in “Kailas Residency,” admeasuring 41.41 sq. situated at Devmurti, Tq. and Dist. Jalna.
3. Applicant no.1/guardian **Kaushalya Ganesh Gayke** is directed to **file on record copies of both sale deeds** within 1 (one) month from the date of both sale-deed.

Date : 07/04/2026

(G. R. Dhepe)
Ad-hoc District Judge-1,
Jalna.

CERTIFICATE

I affirm that the contents of this P. D. F. file of judgment are word to word, as per original judgment.

Sd/-
(S.S. Khandare)
Stenographer (Gr.III)