

MHND010002042026



IN THE COURT OF DISTRICT JUDGE-2 NANDED, AT NANDED
(Present : T.S. Solankar)

CIVIL M.A. No. 15/2026**Exh. 01****CNR : MHND010002042026**

1)	Kavya d/o. Kanhayasinh Thakur Age 15 yrs., Minor, Occ. Education, applicant no.1 is under guardianship of her read mother i.e. applicant no.2	
2)	Sow. Vandana w/o. Kanhayasinh Thakur Age 34 yrs., Occ. Household, Both R/o. Maharana Pratap Marg, Gadipura, Nanded, Dist. Nanded.	APPLICANTS
	<u>VERSUS</u>	
	Nil	RESPONDENT

Claim: Application under Section 8(2)(a) of the Hindu Minority and Guardianship Act, 1956 r.w. Section 29 of Guardian and Wards Act, 1890.

Appearance:

Mr. S.N. Patil	- learned advocate for the applicants.
Nil	- For respondent.

(JUDGMENT)

(Delivered on 10.06.2026)

This application moved by minor applicant no.1 through her mother applicant no.2, seeking permission under Section 8(2)(a) of the Hindu Minority and Guardianship Act, 1956 to transfer by sale immovable property, more particularly,

mentioned in para-3 of the application, in which the minor applicant no. 1 is jointly holding the property.

2. It is the contention of applicant no. 2 that, applicant no.1 is minor and is under her guardianship. It is further averred in the application that, the subject property was gifted to said minor by her maternal grand-father in the year 2016. Accordingly, name of minor is appearing in the revenue record. Applicant no.2 and her husband Kanhayasinh Kalyansinh Thakur entered into the agreement to sale with one Viresh Vitthal Kandakurte. The subject property is having lower value and is at distance place. Applicant no.2 is taking education and for her bright future. Sale is necessary. The consideration agreed upon his 80,00,000/- and same is adequate and out of which 1,00,00,000/- is being fixed in Nationalized Bank of Canara Bank which includes Rs.80,00,000/- of entire consideration required for bright future of the minor. The plot is no more needed. There is no adverse interest to the minor. If the sale is not allowed, then there is possibility of filing suit specific performance of contract in the name of applicant. Hence, on this premise, prayed to allow the application.

3. After filing of this application, objections were called by issuing paper proclamation (Exh.10) dated 06.02.2026, in news paper 'Shramik Ekjoot', however, no one came forward and took any objection to the claim of applicants.

4. Heard learned advocate Mr. S.N. Patil for the applicants and considered his submissions and perused the entire record.

5. Following points arise for my determination, to which I have recorded my findings along with reasons as under:-

Sr. No.	Points	Findings
1)	Whether the proposed sale of agricultural land is for the advantage of minor applicant no.1?	No
2)	Whether leave can be granted to sale land belonging to minor applicant no.1?	No
3)	What order?	As per final order

REASONS

6. AS TO POINT NO.1 :

6.1 In order to succeed in present application, the applicant no.2 i.e. mother of the applicant no.1 has examined herself below Exh. 11 as a PW-1. In support of claim, she led documentary evidence i.e. verified copies of Aadhar Cards of applicant no.1 and 2 Exh.15 and 16. Verified copy of FD Exh.17, verified copy of registered agreement to sale Exh.18. Further by filing evidence close pursis below Exh.19 closed evidence.

6.2 The evidence of PW-1 is in line with averment made in the application Exh.1. As per the evidence, it unfolds that, the plot admeasuring about 900 sq. ft. was gifted to the minor applicant no.1 in the year 2016 by her maternal grand father. The evidence further disclosed that, the applicants are no more in need of said plot. It is also evidence that, for the better future of minor applicant no.1, plot needs to be sold.

6.3 If the evidence is taken into account, it appears that, the agreement to sale of earnest money is entered into on behalf of said minor by the applicant no.2 and her husband on 18.09.2025. The agreed consideration Rs.80,000/- and the same is acknowledged by the applicant no.2. However, the averment in the application is seen when it goes to show that, some different figures are mentioned. Moreover, the purpose for which said sale is sought is only mentioned as for better education future of the minor applicant no.1. However, nothing is brought on record to show that, in which standard minor applicant no.1 is taking education and better in such meager amount of consideration, her education is going to be become bright. Record shows that, the subject plot is regularized on 25.04.2012 after payment of necessary non-agricultural assessment charges since the maternal grand father of the applicant no.1 had converted that of said plot for non-agricultural purpose without obtaining previous permission from the competent revenue authority as required under Section 44 of the MLRC, 1966. But on record no certificate of regularization is placed.

6.4 Further, the reason that, the subject land is at distance place and being of lower value is also cannot be considered for the purpose of deciding this application.

6.5 The apprehension is raised that, if the permission for sale is not granted, then there is every possibility of filing of suit regarding specific performance of contract against the property

standing in the name of applicant no.1 also appears to be motivated by the pressure of proposed vendee.

Overall, after going through the evidence of applicants, I do not find that, the propose sale is for the evident advantage of said minor. Hence, **I answer point no.1 in the negative.**

10. AS TO POINTS NO. 2 AND 3:

10.1 It is well settled that, minor's property can not be allowed to be sold without obtaining prior permission from the Court. In respect of that, reference can be made to Section 8(2) of the Hindu Minority and Guardianship Act, 1956, reads thus:-

(2) 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 of the immovable property of the minor; or therefore,

(b) -- ditto --

(3) -- ditto --

(4) 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.

9.2 If the said provisions is appreciated then, it provides that, unless and until the person proposing to do any acts mentioned under sub-section 2 of Section 8 of the said Act are for necessity and evident advantage of the minor as contemplated under Sub-Section 4 of Section 8 of said Act, then no permission can be granted. Since, I have discussed that, the proposed sale is

not for the advantage of the minor therefore, permission to sale by transfer cannot be granted.

9.3 Moreover, the prayer under Section 29 of the Guardians and Wards Act, 1890 if considered, then, such previous permission for transfer by sale has to be taken by the person who is already appointed or declared by the Court to be a guardian of a ward. In present case, neither there is any averment in the application, nor any evidence, or any documentary proof to show that, the applicant no.2 is appointed or declared by the Court as the guardian of the property of the boy i.e. the minor applicant no.1. Hence, under said Section also permission cannot be granted to transfer by sale the subject property. Therefore, **in answer to point no. 2 my finding is negative** and, in the result, while **answering point no.3**, I proceed to pass following order:-

ORDER

1.	Application stands rejected.
2.	No order as to costs.

(Dictated, typed on Court computer and pronounced in open Court)

Date : 10.06.2026

Sd/-
(T. S. Solankar)
District Judge-2, Nanded.

Certificate

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

Name of Stenographer	:	B.R. Khindre, Steno Grade-1
Court Name	:	District Judge-2 and Addl. Sessions Judge, Nanded.
Date of Order/Judgment		10.06.2026
Judgment signed by Presiding officer		10.06.2026
Judgment uploaded on	:	10.06.2026

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