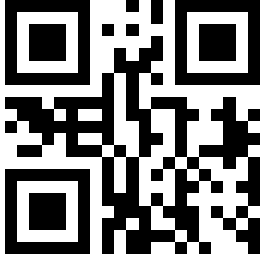


MHPA100003102025



**ORDER BELOW EXHIBIT No.1 IN
CIVIL MISC. APPLICATION No.19/2025**

Baburao @ Kailas s/o Datta Kartule

Vs.

Nil

1. The applicant has filed present application under Section 8 of the Hindu Minority & Guardianship Act, 1956, seeking permission to sell the immovable property owned by the minor.

2. **In short, the facts of the case are as follows :**

The applicant is mother of minor Baburao @ Kailas Datta Kartule. The minor is owner of agricultural land Gut No.203, admeasuring 09 H. 44 R., out of which 00 H. 40 R. land is situated at Shelgaon Hatkar, Tq. Sonpeth, Dist. Parbhani.

3. It is contended that the applicant is resident of Dhudgaon, Tq. Sonpeth, Dist. Parbhani. The applicant Baburao @ Kailas is taking education. The land is mutated in the name of minor by succession. Said agricultural land is at a distance of 15 k.m. away from village Dudhgaon. Secondly, the land is of inferior quality and because of that the applicant is not getting expected yield which ultimately resulting in insufficient income. Therefore, it is difficult for the guardian of minor to cultivate and maintain it. As the land is far away from their residence, the guardian is willing to sell the land and to purchase agricultural land convenient to them.

4. It is also contended that guardian Aasha has entered into agreement to sell dt. 07/06/2024 with one Vishnu Rambhau Dhabade resident of Shelgaon for consideration amount of Rs.7,40,000/-. As against consideration amount, she has received earnest amount of Rs.4,00,000/-. So also, she has entered in to agreement with one Baliram Sahebrao Kharat to purchase land admeasuring 00 H. 40 R. from block No.10 of village Dudhgaon. The applicant has paid Rs.3,00,000/- as earnest amount to seller and balance amount of Rs.4,00,000/- will be paid at the time of execution of sale deed. Therefore, the parent of minor is willing to sell the agricultural land in the name of minor for purchasing another land in his name.

5. The paper publication and citation notice was issued. After its publication, no one has appeared before the Court and raised any objection.

6. In support of application, guardian Aasha Datta Kartule, mother of minor filed her affidavit Exh.8, Vishnu Rambhau Dhabade, proposed purchaser of land of minor at Exh.9 and Baliram Sahebrao Kharat proposed seller of land to minor at Exh.10 as their evidence. They deposed as per contents of the application. Applicant also filed copy of 7/12 extract of field Gut No.203 situated at Shelgaon Hatkar, Tq. Sonpeth, Dist. Parbhani, which discloses that minor Baburao @ Kailas is holding agricultural land of 00 H. 40 R. and his mother is shown as natural guardian. The applicant also placed on

record, the xerox copy of agreement to sell, which discloses that minor Baburao @ Kailas agreed to sell said property to Vishnu Rambhau Dhabde, for total consideration of Rs.7,40,000/- and accepted the earnest amount. The applicant also placed on record valuation certificate issued by Asstt. Registrar, which clearly shows the valuation of the land in question is Rs.3,02,640/-. The applicant also placed on record xerox copy of agreement to purchase agricultural land at Dudhgaon for consideration of Rs.7,00,000/- from one Baliram Sahebrao Kharat. The mother of minor applicant, proposed seller and purchaser also filed xerox copy of their Aadhar cards. The notice is published in 'Daily Gaowala' dated 06/05/2025.

7. As per Section 8 (2) of Hindu Minority and Guardianship Act, 1956, the natural guardian of a minor shall not without the previous permission of the Court transfer by sale any part of immovable property of the minor. As per sub Section 4 of the Act, no Court shall grant permission to natural guardian to transfer the property of minor, except in the case of necessity or for an evident advantage to the minor.

8. The documents placed on record, prima facie shows that minor Baburao @ Kailas is owner of the agricultural land and the guardian Aasha is his mother. Smt. Aasha being natural guardian of minor, is responsible for education, maintenance etc. of the minor. Parent of minor Baburao @ Kailas are facing difficulty to maintain the far distance agricultural land and by selling the same, she is willing to purchase the land which is convenient to cultivate. So, it

would be justified to allow the application. So, considering the valuation of the property and the fact that the mother is in need of amount for welfare and convenient cultivation of land, it can be said that the transaction is advantageous to the minor. Hence, for aforesaid reasons following is passed.

-:- ORDER -:-

1. Application is allowed.
2. Permission is granted to Aasha w/o Datta Kartule to sell the property lying in the name of minor Baburao @ Kailas, which is more particularly described in para No.2 of the application.
3. The applicant is directed to file copy of both sale deeds within 8 days from its execution.

Date :- 19/06/2026

(G.P Bawaskar)
District Judge-1, Gangakhed.