

MHRG170012392024



Presented on : 25/06/2024
Registered on: 26/06/2024
Decided on : 10/03/2026
Duration : yy/mm/days
01/08/15

**IN THE COURT OF DISTRICT JUDGE-4, PANVEL, DIST-RAIGAD AT
PANVEL.**

(Presided over by S.R. Chavan)

Civil M.A. No. 65/2024
Exh. No. 28/A

Smt. Sarwari w/o Mohammad Wasim Ansari)
Age- 27 years,)
Occupation : Nil)
R/o. Village- Post- Shobhanapur)
Katoria, Thane- Amarpur, Amarpur,)
Banka, Bihar 813 102.) .. **Applicant.**

Versus

None.) ... **Respondent.**

Appearance : Adv. Sarika Phalane for the applicant.

**Application U/sec. 8 and 29 of the
Guardians and Wards Act, 1890.**

- : J U D G M E N T :-

(Delivered on 10/03/2026)

This is an application filed by the applicant under Sections 8 and 29 of the Guardians and Wards Act, 1890 for appointment of guardian for minor Fahad Mohammad Wasim

Ansari and minor Najmeen Fatima Mohammad Wasim Ansari and for sell of minors' immovable property.

02. In short the applicant's contention is as under :

Applicant is mother of Fahad Mohammad Wasim Ansari and minor Najmeen Fatima Mohammad Wasim Ansari. Deceased Mohammad Wasim Ansari was the husband of the applicant. He died on 06/03/2024. Deceased purchased Shop No.6, Ground floor, Cottage Villa Co-operative Housing Society Ltd., situated on Plot No. 89, Sector 10, Phase I, Village – Taloja, Panchanand, District -Raigad. (Hereinafter referred to as the “**Said property**”).

03. Due to death of Mohammad Wasim Ansari applicant is in financial crisis. Applicant being mother of minors is taking care of minor son Fahad Ansari and daughter Najmeen Fatima. The entire responsibility of the minors is on the shoulder of the applicant. Hence for education, maintenance of the minors and to meet the economic needs the permission to sell the “said property” is necessary.

04. The notice of present application has been published in “Krushival” on 03/12/2024 vide Exh.23. However, nobody has come forward and raised objection to this application.

05. Perused the application, evidence affidavit and documents. Heard Ld. Adv. for the applicant. Following points

arise for my determination and my findings on each of them with reason thereon are as under:-

SR.No.	POINTS	FINDINGS
1.	Whether applicant has proved that she is natural guardian of minor Fahad Mohammad Wasim Ansari and minor Najmeen Fatima Mohammad Wasim Ansari ?Yes.
2.	Whether applicant has proved that sale of minors' share in the "said property" is necessary for benefit of minors?Yes.
3.	What Order?	Application is allowed.

REASONS

POINT NOS. 1 AND 2

06. I consider point Nos.1 to 2 together as they are interlinked with each other.

07. The applicant in support of the application has examined herself on affidavit vide Exh. 14 and filed on record various documents namely copy of death certificate of Mohammad Wasim Ansari is at Exh.27, copy of Aadhar Card of applicant at Exh. 25, certified copy of order of heirship certificate passed in CMA No. 1012/2024 by Ld. CJSD, Panvel and verified copy of sale deed of the said property at Exh. 22.

08. On perusal documents on record, it appears that the deceased Mohammad Wasim Ansari had purchased said property by registered sale deed No.33390/2019 dated 10/10/2019 from Anil Sitaram Bangar. However, Mohammad Wasim Ansari died on

06/03/2024 leaving behind his wife applicant, minor son Fahad Ansari and daughter Najmeen Fatima.

09. It appears from the record that the applicant wants to sell that said property for the benefit of the minors. As the husband of the applicant has died, the entire responsibility of the minors is on the shoulders of the applicant. Hence for education, maintenance of the minors and to meet the economic needs the permission to sell the “said property” is necessary.

10. From the pleading in the application and examination-in-chief of applicant and photo copy of birth certificates produced on record, it appears that the date of birth of minor Najmeen Fatima is 23/03/2021 and date of birth minor Fahad Ansari is 07/06/2018. Najmeen Fatima is 4 years old. Fahad is 7 years old. Hence, still they are minors. The applicant being mother of minor Najmeen Fatima and Fahad Ansari, is the natural guardian.

11. Thus, considering evidence on record, I am satisfied that it is for the welfare, better prospectus and benefit of the minors permission to sell the “said property” is necessary. Therefore, I answer point No.1 and 2 in the affirmative. Hence, I proceed to pass the following order.

ORDER

1	Application is allowed.
2	The applicant is hereby appointed as the

	guardian of minor Fahad Mohammad Wasim Ansari and minor Najmeen Fatima Mohammad Wasim Ansari till they attain majority.
3	The applicant is hereby authorised to sell and execute necessary deeds and documents in respect of share of minor Fahad Mohammad Wasim Ansari and minor Najmeen Fatima Mohammad Wasim Ansari in Shop No.6, Ground floor, Cottage Villa Co-operative Housing Society Ltd., situated at Plot No. 89, Sector 10, Phase I, Village – Taloja, Panchanand, District -Raigad.
4	The applicant is directed to deposit minors' share amount from the sale proceeds of the "Said property" in Nationalised Bank in the name of minors till they attain majority.
5	The applicant shall give details of accounts of the sale of Said property and submit compliance affidavit within one month from the date of execution of sale deed of the Said property.

Panvel,
Date :- 10/03/2026

(S.R. Chavan)
District Judge-4,
Panvel-Raigad.