

MHSO050001712026

CIVIL MISC. APPLICATION No.16/2026



- 1 Kum. Reshma Rahim Shaikh
- 2 Kum. Sumayya Rahim Shaikh
Smt. Aafarin Rahim Shaikh –
mother - guardian of minor

Versus

District Collector and others

ORDER BELOW EXH.1

(Date – 17.07.2026)

1 The applicant No.3 Smt. Aafarin Rahim Shaikh mother of minor daughters applicant No.1 Kum. Reshma Rahim Shaikh and applicant No.2 Kum. Sumayya Rahim Shaikh preferred this application for permission of sale of immovable property owned by her minor daughters under Provisions of Section 9 of Guardian and Wards Act, 1890 and Section 8 of Hindu Minority and Guardianship Act, 1956.

2 The contention of application, the agricultural Gat No.969 admeasuring 0 H 9 R situated at Mouje Hatid, Tal. Sangola, Dist. Solapur, out of it, 0 H 4.50 R area are in the name of both minors, their minor guardian mother Aafarin Rahims Shaikh, Karishma Mubarak Shaikh, Khajabi Mubarak Shaikh, Balam Mohiuddin Shaikh, Bismilla Mohiuddin Shaikh, Mohsin Mubarak Shaikh, Rasul Rahim Shaikh, Rehana Mubarak Shaikh, Samina Mubarak Shaikh, Asma Rahim Shaikh, Ibrahim Mohiuddin Shaikh, Ilahi Mohiuddin Shaikh.

3 The applicants are common share in are 4.50 R in the property in question is subject matter of the application preferred for permission to sale to the extend of common share of minors with mother and other coparceners.

4 The applicant No.3 mother guardian of minors Smt. Aafarin Rahim Shaikh has pleaded cause of action for filing application that after death of Rahim Mohiuddin Shaikh on 01.03.2016 the applicant No.1 and 2 became owners of property in question and mutated their name in revenue record i.e. 7 x 12 extract.

5 On perusal of record applicant No.3 mother guardian of minors Smt. Aafarin Rahim Shaikh relied on extract of 7 x 12, copies of Adhar Card of applicants, copy of Bonafide Certificate of applicant No.1, copy of Leaving Certificate of applicant No.2, copy of Death Certificate of father of minors. Applicant No.3 mother guardian of minors also relied on notarized deed i.e. Agreement to Sale executed in favour of Shivaji Tatoba Yamgar.

6 The applicant No.3 mother of minors i.e. applicant No.1 and 2 had sworn affidavit to depose in support of application filed which is at Exh.11. The need of the applicant No.3 mother guardian of minors to raise funds for better education and up bringing of the minor children is supported in her affidavit along with the legal right, title and interest of the applicants in the property in question.

7 The unfortunate death of husband of applicant No.3 mother guardian of minors Aafarin Rahim Shaikh compelled her to seek permission of the Court to sale the property standing in the name of minors. It is evident on record the circumstances and facts are justified for this decision of the mother of two minors daughters. In view of rising inflation costs of living and of

education of two growing children, the necessity of finance cannot be avoided and it has to be raised at any costs therefore, the decision of their mother to sale the immovable property in question is need of hour and certainly needed for welfare and of the minors. However, as per Section 6 of The Guardians and Wards Act, 1890, it is settled that, “*the welfare of the minor is the paramount consideration and the rights under the personal law are to be taken into consideration only for the purpose of ascertaining the welfare of the minor.*”

8 That in this reference it is to be remember that the Guardians and Wards Act does not permit the Court to subordinate the law to which the minor is subject to considerations of what will be for the welfare of the minor.

9 In given facts and circumstances, noted above in different statutes within India is to be bestow guardianship and related lights to the mother of a child born outside of wedlock. Avowedly, the mother is best suited to care for her offspring. Hence, the order.

ORDER

- 1 Civil Misc. Application No.16/2025 is allowed.
- 2 The applicant No.3 mother guardian of minors Smt. Aafarin Rahim Shaikh is permitted to sale common share of minor No.1 Kum. Reshma Rahim Shaikh and No.2 Kum. Sumayya Rahim Shaikh to the extent of 0H – 4.5 R respectively out of Gat No.969 total admeasuring 0H 09R situated at Hatid, Taluka Sangola.
- 3 The applicant No.3 mother guardian of minors Smt. Aafarin Rahim Shaikh is directed to receive consideration amount of proposed registered sale-deed either by the cheque, DD or UPI.

- 4 The applicant No.3 mother guardian of minors Smt. Aafarin Rahim Shaikh is directed to keep amount of Rs.10,000/- in the name of minor applicant No.1 Kum. Reshma Rahim Shaikh and No.2 Kum. Sumayya Rahim Shaikh each out of total sale consideration in fixed deposit with any Nationalized Bank in the name of minors till attending his majority.
- 5 The applicant No.3 mother guardian of minors Aafarin Rahim Shaikh shall carry out the sale transaction by executing the registered sale-deed within the period of six months from date of this order or within any reasonable period required for execution of sale of acquired property at the end of Government. On execution of such sale-deed, its copy be submitted before this Court within period of 15 days of its execution.

Date :17.07.2026

(Smt. T. G. Mitkari)
District Judge - 1, Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Add. Sessions Judge, Pandharpur
- c) Date of Order : 17.07.2026
- d) Order signed by the : 17.07.2026
Presiding Officer on
- e) Order uploaded on : 17.07.2026