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M.J.C.11/2015

Smt. Ranjita + 3 vs. Nil

Order below Exh.1
(Passed On 30/04/2015)

This is an application U/s 8(2) of the Hindu Minority and Guardianship Act read with Section 29 and 31 of the Guardians and Wards Act, 1890 for permission to sale immovable property standing in the name of minor applicant no. 2 and 3.

2 According to applicant no.1, her husband Pandit Radhakisan Chavan was serving as a police constable at Washim. Applicant no. 2 is his minor son and applicant no. 3 is his minor daughter. During his life time, her husband had purchased a residential plot no. 3-B, bearing survey no. 470/1-A, ad-measuring 112.50 Sq. Mtrs. (1210.50 Sq. Fts.), Tahsil and District Washim. He has constructed house thereon.

3 However, all of a sudden, on 27/01/2009 he died, leaving behind him applicant no. 1 to 3 as his only legal heirs. After his death names of the applicant no. 1 to 3 are recorded as owner of said plot and house. Applicant no.1 has no source of income, nor her any of relatives are residing at Washim. Therefore, she left Washim and residing at village Wadegaon, under the shelter of her parents. Her house was abandoned. Hence, she decided to sale it and on 13/12/2014, she entered in to an agreement of sale of said plot with house with applicant no.4 at Rs. 21,50,000/-. She received earnest amount of Rs. 4,30,000/- from applicant no. 4. Out of earnest amount she started construction of her house on plot no. 02, situated in survey

Applicant no.1 Ranjita sworn affidavit at Exh. 10. She stated without sale of house in question, she could construct her new house. It is utmost necessary for the welfare of her children. In support of her oral statements she placed on record death certificate of her husband, school leaving certificates of applicant no. 2 and 3, 7/12 extract of survey no. 470/01-A of Washim, copy of ferfar of survey no. 470/01-A, 7/12 extract of survey no. 76/1 of Wadgaon, copy of ferfar, permission for construction of house and agreement to sale. The documents placed on record supports her oral evidence. The documents placed on record reflects that she is willing to construct new house at village Wadgaon, District Yavatmal and for that she obtained permission from the Grampanchayat. Considering her evidence on oath and documents placed record, I am of the view that the claim of the applicants is reasonable and justified. Apart from that it is a matter of experience that in ordinary course no mother of minors would

4 Notice of this application was published in daily newspaper "Punya-Nagari" dated 15/03/2015 and objections, if any called. However, till this date none appeared and raised any objection for sale said house.

5 Applicant no.1 Ranjita sworn affidavit at Exh. 10. She stated without sale of house in question, she could construct her new house. It is utmost necessary for the welfare of her children. In support of her oral statements she placed on record death certificate of her husband, school leaving certificates of applicant no. 2 and 3, 7/12 extract of survey no. 470/01-A of Washim, copy of ferfar of survey no. 470/01-A, 7/12 extract of survey no. 76/1 of Wadgaon, copy of ferfar, permission for construction of house and agreement to sale. The documents placed on record supports her oral evidence. The documents placed on record reflects that she is willing to construct new house at village Wadgaon, District Yavatmal and for that she obtained permission from Grampanchayat. Considering her evidence on oath and documents placed record, I am of the view that the claim of the applicants is reasonable and justified. Apart from that it is a matter of experience that in ordinary course no mother of minors would

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raise false ground for seeking such permission.

Thus, I pass following order.

Order

- 1 Application M.J.C.11/2015 is hereby allowed.
- 2 Applicant Ranjita Pandit Chavan, resident of Wadgaon (Road) Tq and District Yavatmal is permitted to sale plot no. 3-B, ad-measuring 112.50 Sq. Mtrs. and house constructed thereon, situated in survey no. 470/1-A, Tq and District Washim.
- 3 Permission is granted on the condition that applicant No1 shall invest Rs. 1,00,000/- (Rupees One Lac) in fix deposit in any Nationalize Bank in the name of each of the minor applicant No. 2 and 3, till they attain majority.
- 4 If this condition is breached, then it be treated as if no permission is granted for the sale of property to the applicant.
- 5 Accordingly application stands dispose off.



(A. K. Shah)

Ad-hoc District Judge -2,
Washim.

Dt.30/04/2015

