


MHYA010011742025 	Presented on : 08/05/2025 Registered on. : 14/05/2025 Decided on : 07/05/2026 Duration- : 11-M, 29-D
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IN THE COURT OF DISTRICT JUDGE-2, YAVATMAL.
(Presided over by S.R. Sharma)

CIVIL MISCELLANEOUS APPLICATION NO.142/2025

Exh.No.

APPLICANTS : 1. **Ansh Nandu Bokse**
Aged about 13 year, Occu.- Education,

2. **Ku. Riddhi Nandu Bokse**
Aged about 11 year, Occu. - Education

Through natural guardian mother
Smt. Sonal Nandu Bokse
Aged about 39 year, Occ. Service,
R/o. Rajasva colony, Waghapur Road,
Yavatmal Tq., Distt. Yavatmal.

- V E R S U S -

OPPONENT : **N O N E.**

**APPLICATION UNDER SECTION 8 OF HINDU MINORITY AND
GUARDIANSHIP ACT, 1956**

JUDGMENT
(Delivered on 07th May, 2026)

This is an application seeking permission to sell the property, under provisions of section 8 of the Hindu Minority and Guardianship Act,1956, (hereinafter referred to as 'The Act' for the sake of brevity) filed by minors No.1 Ansh and No.2 Riddhi through their natural guardian mother Smt. Sonal Nandu Bokse.

2] The abridge contention of the applicants is that they are the legal heirs of their father Nandu Madhukarrao Bokse along with their mother. During his life time their father vide registered sale-deed had purchased plot No.31A admeasuring 1465 Sq. Ft. i.e. 136.12 Sq. mt. with construction thereon within Survey No. 2/4, 2/5, 2/6 and 2/7 at Mouza Lohara, Yavatmal having boundaries as specified in para No. 4 of petition (hereinafter referred to as the “property” for the sake of brevity). On 14/11/2024, their father had entered into an agreement to sell the property to one Bhushan Uddhavrao Agham. But before the agreement could be acted upon he demised. After his demise their names along with their mother got mutated in the Revenue Record being the only legal heirs.

3] After the demise of their father Nandu Bokse the family is facing severe financial crunch in regard to their daily needs. They are unable to meet education and medical expenses. They have no separate means of generating income. In order to continue their education and meet daily expenses the family is in need of funds. To finance the same they have no other option but to sell the property. Hence, they through their mother as their natural guardian executed ‘agreement to sale’ afresh on

02/02/2025 to sell “the property” to the same purchaser/buyer. They are willing to abide all the conditions, which might be imposed by the Court while granting them leave for transfer of “the property” which they are seeking through their mother deponent Sonal (AW1). If the permission is granted they will be able to lead their life properly. Hence, application for relief laid *ante*.

4] Order of paper publication (Exh.08) was passed calling objection to permission for proposed sale. None appeared before this Court on posted date or thereafter till date to resist the application seeking permission.

5] The points for determination along-with my findings thereon are as follows :-

Sr.No	Points	Findings
1)	Do the applicants prove that out of necessity they through their N.G. are required to sell “the property” situated at Mauja Lohara, Yavatmal, Tq., District Yavatmal ?	Yes.
2)	What order?	The application is allowed.

REASONS

As To Point Nos.1 And 2 :-

6] The mother of applicants namely Sonal Nandu Bokse has deposed on oath as AW-1 vide affidavits (Exh.08 and 23) to

fortify applicants prayer. Thereafter, closing pursis (Exh.24) was filed by applicant- counsel. The contents of affidavit (Exh.08) are verbatim of the averments made in application (Exh.1). Hence, they are not reproduced to avert pleonasm.

7] In support of her affidavit (Exh.08) Sonal (A.W.1) has placed on record online copy of 7/12 extract of Gat No. 2/4, 2/5, 2/6, 2/7/31A (Exh.12) and Form No.6 (Exh. 13) which invigorate and exhibit interest, share of the minor applicants in “the property” along with her- their mother. When paper publication (Exh.18) was done calling objection, if any, to proposed sale of “the property” none were received.

8] Sonal (AW-1) has testified (Exh.08) herself to be mother of the applicants and their father Nandu Madhukarrao Bokse to have demised. She has tendered Aadhaar Cards (Exh.Nos.15 to 17) of applicants and herself. Also she has placed verified copy of legal heir certificate (Exh.14) on record. The Death Certificate (Exh.20) of Nandu Madhukarrao Bokse is also filed. Entries within all of the above documents invigorate the contention of applicants of them being minor and also exhibit the relationship between them *inter se*. Together they vivify deponents relationship as mother. Further, her status of being natural guardian of applicant No.1 Ansh and No.2 Riddhi in view of Section 6 of The Act also stands established.

9] Verified copy of sale agreement (Exh.11) on the record reveals that minor applicants through their natural guardian Sonal

Nandu Bokse (AW-1) along-with their mother- deponent Sonal (AW-1) have agreed to sell “the property” to Bhushan Uddhavrao Agham for consideration of Rs.36,00,000/-. Out of Rs.36,00,000/- total Rs.4,00,000/- had been received by deceased Nandu in his capacity as erstwhile vendor during his life time as earnest money whereas remaining Rs.32,00,000/- is agreed to be paid and received once sale-deed gets executed. The above terms and conditions have been incorporated in the agreement to sale (Exh.11) entered into by the legal heirs with the same purchaser.

10] Sonal (AW-1) has testified that she is required to repay loans which were standing in name of her husband and also look after minor applicants whose entire future lies before them. She amplified that considering the future basic, education needs of minor applicants she is in need of funds which can be generated only by sale of “the property”. She explained that after demise of her husband there is no other way of subsistence. Hence, if permission as sought is not granted they will suffer irreparable loss. Counsel for the applicant reiterated the above contention in his argument before Court.

11] Section 8 of The Act envisages power of natural guardian of Hindu minor to do all acts which are necessary or reasonable and proper for the benefit of the minor. It is contemplated that permission is not to be granted by the Court except in case of necessity. Safeguarding interest of minor is intended to be paramount at the time of dealing with such application.

12] Sonal (AW-1) has contended in her application (Exh.1) and concurred in her affidavits (Exh.08 and 23) of funds being required for basic living, education, medical needs of minor applicants. Thus, it is evident that there is necessity of sale for benefit of the minors. It is irradiated to be for an evident advantage for minors. The prayer thus deserves to be countenanced.

13] At the same time, certain conditions as provided for under section 31(3) of Guardian and Wards Act need to be attached to the permission. Sonal (AW1) through her additional affidavit (Exh.23) prayed that certain amount out of the consideration may be permitted to be retained by her in cash so as to manage various liabilities standing in their name and also for basic living, education, medical needs. She explained that initial earnest amount of Rs. 4,00,000/- got used for the medical expenses of her husband. The counsel for applicants reiterated the same. Sonal (AW1) in her affidavit (Exh. 23) has given specific details of the amount which is required to meet different immediate expenses. She has expressed that she has no objection for the remaining amount to be kept in fixed deposit. Considering the amount of remaining consideration it is manifest that the amount being sought by Sonal (AW1) for immediate need is reasonable. The reason given by her for the same is found satisfactory. The submission is found to be in consonance with the intention of The Act. Hence, it is accepted. Taking into account the above submission, consideration of sale it will be beneficial for the

minor applicants that Rs.8,00,000/- each out of the amount of remaining consideration of Rs.30,00,000/- is placed in fixed deposit for them to withdraw on their attaining majority. Further as submitted by Sonal (AW1) further amount of Rs. 5,00,000/- out of the consideration is permitted to be kept in fixed deposit in her own name for interest income, maturity amount to be utilized for the benefit of the minors. I, therefore, answer point No.1 in positive and in answer to point No.2, I ordain as follows.

ORDER

1. The application is allowed.
2. Natural guardian Sonal Nandu Bokse (Aadhaar No. 7920 3559 5204) r/o. Rajasva Colony, Waghapur road, Yavatmal, Tq., Dist. Yavatmal is permitted to execute sale-deed in regard to plot No.31A, admeasuring 136.12 Square meter with construction thereon within land bearing field survey No.2/4, 2/5, 2/6, 2/7, at Mauja Lohara, Yavatmal, Tq., Dist. Yavatmal on behalf of minors namely (1) Ansh Nandu Bokse and (2) Ku. Riddhi Nandu Bokse in favour of Bhushan Uddhavrao Agham, r/o. Ujavne Layout, Mama Nagar, Lohara, Yavatmal, (Aadhar Card No. 3355 5646 1656) for the total consideration amount of Rs.36,00,000/-.
3. Sonal Nandu Bokse (AW1) to give written undertaking that she will utilize the sale consideration only for the education, benefit and welfare of minors namely (1) Ansh Nandu Bokse and (2) Ku. Riddhi Nandu Bokse and out of consideration amount she shall keep Rs.8,00,000/- (Rs. Eight Lac Only) each in their favour in fixed deposit in any nationalized bank of her choice till their attaining majority.
4. Sonal Nandu Bokse (AW1) shall keep Rs.5,00,000/- (Rs. Five Lac Only) in her own name in fixed deposit in any nationalized bank of her choice for a period of four years. She to give written undertaking that she will utilize the maturity amount and interest thereon only for the education, benefit and welfare of

minors namely (1) Ansh Nandu Bokse and (2) Ku. Riddhi Nandu Bokse.

5. She shall produce in Court the copy of sale-deed executed in favour of Bhushan Uddhavrao Agham, r/o. Ujavne Layout, Mama Nagar, Lohara, Yavatmal, (Aadhar Card No. 3355 5646 1656) Yavatmal, FDR receipt within 15 days of execution, deposit.

Date : 07/05/2026.

(S. R. Sharma)
District Judge-2,
Yavatmal.

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