

MHYA080004792025



Presented on : 18-12-2025

Registered on : 18-12-2025

Decided on : 07-04-2026

Duration : 0Y.3M.19D

IN THE COURT OF AD-HOC DISTRICT JUDGE-1,
KELAPUR, DIST. YAVATMAL
(Presided over by M.A. Kothari)

Civil M.A. No.60/2025

Exh.20

1. Smt. Sonali Ritesh Dabade, Applicants.
Age:39 years,Occ. Household,
2. Master Rudraksha Ritesh Dabade,
Aged 13 years, Occ. Education,
3. Ku. Gauri Ritesh Dabade,
Aged 5 years, Occ. Education,
Applicants no. 2 & 3 being minors
Through Natural Guardian Mother
Smt. Sonali Ritesh Dabade, all r/o
Ekta-Nagar Wani, Taluka Wani,
District Yavatmal
4. Smt. Shakuntala Ishwar Dabade,
Aged 77 years, occupation- nil
r/o Ekta-Nagar Wani, Taluka Wani,
District Yavatmal

-V e r s u s-

None.

..... Non Applicants.

Application under section 29 of Guardian and Wards Act
1890.

Appearance:

For Applicants: Warhate S.P

J U D G M E N T

(Delivered on 7th April, 2026)

This application has been filed for grant of permission to sale undivided share of minor son and daughter i.e. applicants No.2 and 3 of applicant No.1 in the immovable property i.e. residential plot No.60 in survey No.19 situated at mouza Wani having area 116.50 sq. meter as described in para No.2 of the application. (Hereinafter this immovable property would be referred as the 'Plot')

2. It is contended by the applicants that applicant No.1 Smt. Sonali is mother of applicants No. 2 and 3 and the said plot originally belonged to Ritesh Ishwar Dabde and after his death it is owned by his legal heirs Smt. Sonali, Rudraksha, Gauri and mother Smt. Shakuntala. After the death of Ritesh the name of his legal heirs including the name of husband of applicant No.1 and father of minor applicants no. 2 & 3 are mutated in Revenue Record and being legal heirs of Ritesh these applicants got 1/4th undivided share in the plot. Applicant No.1 being mother is a natural guardian of minor applicant and she is taking all care of minors. It is decided by all co-owners of the plot that the said plot be sold to one family members so that member could take the benefit of the said plot thereby taking

possession and making construction over it. Considering financial condition of the applicants they are unable to purchase the plot from other co-owners and also as applicant are having their own house, they do not require the plot. Thus, applicant, and other co-owners decided to sale the said plot to Nitesh Thakare and another. Thus applicants entered into an agreement to sale on 07.11.2025 for the total consideration of Rs.30,00,000/- to sale their undivided share alongwith other co-owners. The applicants decided to sale out their 1/4th share divided share for the total consideration of Rs.30,00,000/-and out of which Rs.4,00,000/- was paid by the purchaser. Applicants decided to sale their 1/4th undivided share of Ritesh for the welfare and for expenses of education of minors and the applicant No.1 is ready to keep the amount of share of minors in fixed deposit in any Nationalized Bank. Apparently, the sale transaction is in the interest, benefit and welfare of the minors and hence permission to sale out their undivided share in the plot be given to the applicant. They urged to allow the application.

3. A notice through paper publication was made in daily newspaper 'Dainik Lokdut' dated 10th January 2026 inviting objections, if any, for granting the leave as prayed. Despite this notice through publication, none appeared and set up any sort of objection or claim.

4. Applicant No.1 Varsha has given her evidence and exhibited many documents including the agreement executed by them on 06.09.2025 in favour of purchaser. Heard learned counsel for applicant Mr. Warhate S.P. Perused the application, evidence adduce, document exhibited, filed and the entire record of the application. On its basis, following points rise for the determination and the findings to each of them for the reasons recorded as below.

<u>P O I N T S</u>	<u>FINDINGS</u>
1) Whether a case has been made out to sell/alienate/transfer the undivided share of minors in the plot being immovable property of the minor applicants no. 2 & 3 ?	In affirmative
2) Whether the transfer/alienation of the undivided share of minors plot is in the benefit, interest and welfare of minor applicants no. 2 & 3 ?	In affirmative
3) What order?	As per final order.

R E A S O N S

As to Points Nos.1 & 3 :

5. Both these points require scrutiny and appreciation of same facts and evidence, hence they are taken together for sake of convenience, brevity and to

avoid repetition

6. From the application and after perusing the evidence adduced by applicant No.1 mother at Exh.8. and after going through the documents exhibited and filed on record, it reflects that, after the death of her husband and father of minor applicants no. 2 & 3 she is acting as natural guardian of minors being, mother and taking all care of minor applicants including their education and their all beneficial activities on day to day basis. From the Revenue document Exhibit-11 and valuation certificate Exhibit 17, it reflects that alongwith other co-owners the names of these applicants have been mutated on record. From the Aadhar card it reflects that minor applicants are residing with mother and she is the Karta of the family after the death of her husband. From valuation certificate Exhibit-17 it reflects that the consideration amount is more than the valuation of the shares of applicants in the plot. The applicant No.1 mother is ready to deposit the sale consideration amount coming to the share of minor applicants in fixed deposit.

7. From the overall evidence, facts and circumstances applicant mother has succeeded in establishing that the said sale transaction of the plot is in the interest, benefit and welfare of minors and applicant mother is not acting against their interest. The

applicant mother is specifically submitting that the said amount is required for the education and welfare activities and care of minors. Hence, by putting condition that the consideration amount coming to the share of minors be kept in fixed deposit till they attained majority would suffice to protect their interest and welfare.

8. Hence, considering the entire evidence, documents produced exhibited and proved on record and overall facts and circumstances the applicant have made out a case to grant permission to sale out the undivided share of minors in the plot on certain conditions which would taken care and protect the interest of minor applicants. Out of total consideration amount of Rs.30,00,000/-, in the light of 1/4th share of each minor in this amounts the amount which would come in the share of each minor is Rs. 1,50,000/- each and it is required to be kept in fixed deposit till minors would attain majority. Remaining amount which is coming to the share of minor applicant Nos. 2 and 3 could be utilized for the day to day expenses and expenses of minors by her choice. In view of above discussion, I hold the point Nos.1 and 2 in affirmative and answered accordingly While answering point no. 3, the following order;

ORDER

1. The application Civil M.A. No.60/2025 is **allowed.**
2. Applicant no. 1 mother Smt. Sonali Ritesh Dabade is permitted to alienate/transfer/sell the plot which is plot No.60 in sheet No.19, mouza Wani gaon number 337 having area 116.50 sq. meter situated at mouza Wani, Taluka-Wani, District-Yavatmal which are having undivided share of minor applicants on following conditions.
 - a) The sale of plot shall be made only by a registered instrument in favour of the purchaser Nitesh Santosh Thakare and another in pursuance of agreement to sale dated 07/11/2025 as per the terms mentioned therein.
 - b) Out of the entire consideration amount of Rs.30,00,000/- which comes to the share of all applicants, amount of Rs.1,50,000/- each coming to share of each minor shall be invested by fixed deposit in any Nationalized Bank of the choice of Sonali Ritesh Dabade in the name of minor Rudraksha Ritesh Dabade and Ku. Gauri Ritesh Dabade till they become major.

- c) The Smt. Sonali Ritesh Dabade is permitted to withdraw the amount of interest of these Fixed Deposits of both minors on yearly basis if she requires for the educational and other expenses of minors. If interest would not be withdrawn on yearly basis, the amount of interest accrued thereon at the time of maturity of these fixed deposit shall be given to both minors after they become major.

3. Accordingly the application is disposed of.

Date: 07.04.2026
Kelapur

(Manish A.Kothari)
Ad-hoc District Judge-1
Kelapur