



CNR No. MHAM010014842026

Civil M.A. No.115/2026

IN THE COURT OF DISTRICT JUDGE – 2 & A.S.J., AMRAVATI

(Presided over by Yashwant A. Goswami)

Civil M.A. No.115/2026

Shital Arvind Sambhare
Aged about 42 Yrs., Occu. Household,
R/o. Rajmangal Colony, VMV Road,
Amravati. Tq. & Dist. Amravati. **Applicant.**

VERSUS

Nil **Non-Applicant.**

**APPLICATION U/S 8 OF MINORITY AND GUARDIANSHIP ACT FOR
GRANT OF PERMISSION TO SELL MINOR'S PROPERTY**

Advocate for Applicant: Shri. A.S. Parihar
Non-applicant : Nil

ORDER BELOW EXH.1

(Dated :11.08.2026)

The applicant filed instant application for grant of permission to sell share of minor's property.

2] Applicant No.1 is wife of late Shri. Arvind Bhaurao Sambhare and mother of minor Samruddhi Arvind Sambhare. Late Arvind and the applicant jointly purchased half portion of plot bearing No. 37-B, admeasuring 128 sq. mtr. (1377.79 sq.ft.) situated at Mouje Rahatgaon, Praganae Nandgaon Peth. After death of Arvind, names of the applicant and her daughter were mutated being legal heirs.

Samruddhi is aged 16 years old. The applicant-mother wants to sell the said land for the expenses of education and upbringing of the minor daughter.

3] The applicant filed her affidavit of evidence. She has also filed documents such as copies of sale deed, adhar cards, 7/12 extract, Form No.6, legal heirship certificate and paper publication. The applicant wants to sell afore mentioned land for education and upbringing of the daughter.

4] In the case of **Ramnath Rambhau Gujar V/s Shamrao Gopal Petkar & others reported in 2010(6) Mh.L.J. 737** the Hon'ble Bombay High Court held that the parents of a minor child, acting as legal guardians, could sell the minor's undivided share in joint family property without the permission of the District Court, provided there was a genuine need for the family. The court found that the sale was binding on the plaintiffs, even though they were minors at the time of the transaction. Thus, in view of this settled position of the law, aforesaid application seeking permission of the Court to sale minor's undivided share is unwarranted. Hence, in view of the above observation, the application needs to be disposed of as unwarranted and I pass the following order;

ORDER

The application is disposed of as permission is unwarranted;

Dt.11.08.2026
Amravati.

(Yashwant A. Goswami)
District Judge-2, Amravati.