

Dushyant VS GP

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HRSO020009422025



Presented on : 05-05-2025
Registered on : 05-05-2025
Decided on : 22-07-2026
Duration : 1 years, 2 months, 17 days

**IN THE COURT OF
Additional Civil Judge (Senior Division) AT Sonipat, Sonipat
Presided Over by Ms. Neha Goyal**

HMG ACT/12/2025

Dushyant age 11 years son of Late Sanjeev Kumar son of Raghbir r/o village Rampur P.O. Kundal Distt. Sonapat, minor through his real mother/natural guardian Smt. Sudesh Kumari w/o Late Sanjeev Kumar r/o village Rampur, P.O. Kundal, Distt. Sonapat.

.....Petitioner

Versus

General Public

.....Respondent

**PETITION U/S 8 OF HINDU MINORITY AND GUARDIANSHIP ACT
FOR PERMISSION TO SELL THE SHARE OF MINOR**

Present: Shri Ajay Sehrawat, Advocate for petitioner.
Respondent exparte vod 14.07.2025.

J U D G M E N T:

This petition has been filed seeking permission to sell the share of minor namely Dushyant by his mother Smt. Sudesh Kumari, who is also his natural guardian. It is averred in the petition that minor petitioner is owner in possession of the land as detailed in Para no.2 of the petition. The minor Dushyant had obtained the above-said property from

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his father. The father of the minor petitioner expired on 13.09.2013. The mother of the petitioner wants to sell out the share of the minor in the said property as the share of the minor is very small. Mother of petitioner has stated that she has no adverse interest to the interest of her child i.e. minor Dushyant in any manner. The minor is being looked after by his mother Smt. Sudesh. Money is required for meeting the expenses for providing quality education and other basic amenities to the minor. Property is fetching good price. Permission has been sought for selling the share of minor in the said property. It has therefore, been prayed that petition may kindly be accepted and the mother of petitioner being natural guardian of minor may kindly be permitted to sell the above said property.

2. Notice of the petition was served upon the respondent/GP through publication in a notified newspaper but none put in appearance on behalf of the general public/respondent despite due publication and thus, the general public/respondent was proceeded against exparte.

3. The petitioner in support of his claim, examined his mother Sudesh Kumari as PW1 and further examined Joginder, Numberdar as PW2 and tendered following documents in his evidence:-

Ex.P1	Jamabandi for the year 2020-2021
Ex.P2	Copy of Mutation No.16890

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Ex.P3	Copy of Birth Certificate of Dushyant
Ex.P4	Copy of Death Certificate of Sandeep
Ex.P5	Copy of Aadhar Card of Dushyant
Ex.P6	Copy of Aadhar Card of Sudesh Kumari
Ex.P7	School Certificate of Dushyant

Thereafter, ld. Counsel for petitioner closed the *ex parte* evidence, vide his separately recorded statement and case was fixed for *ex parte* arguments.

4. I have heard the arguments advanced by ld. Counsel for the petitioner and perused the case file carefully.

5. In the present case, the petitioner has knocked the door of this court seeking the relief under Section 8 Hindu Minority and Guardians Act, 1956 for permission to sell the land (as detailed in Para no.2 of the petition) which is within the territorial jurisdiction of this court.

6. In the present case Smt. Sudesh Kumari, being mother of the minor is natural guardian of the minor Dushyant. To prove the minority of minor, the petitioner has relied upon Birth Certificate of minor Dushyant as Ex.P3 wherein the date of birth has been shown as 17.10.2013. To prove the ownership of the minor, the petitioner has relied upon the Jamabandi and Mutation copies of which are placed on record as Ex.P1

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and Ex.P2. The mother of the petitioner has taken a specific stand that she wants to sell the land for the upbringing, welfare, benefit and for providing better education to her minor child. There is no evidence adverse to the case of the petitioner and also there is no other evidence on file to suggest that the natural guardian will misuse the property of minor. Hence, Smt. Sudesh Kumari, being mother of the minor petitioner can sell the land in the name of minor as per the revenue record.

7. In view of my above findings, the petition is **allowed** with following conditions:

(I) The share of sale proceeds of the minor shall be kept in the FDR with nationalized bank by Smt. Sudesh Kumari (the guardian) of the minor.

(II) The amount of the same can be withdrawn/realized by the minor only on attaining the majority.

(III) For the purpose of general/routine expenses the guardian named above shall have the liberty to withdraw without any permission from the court the interest accrued on the FDR.

(IV) In the event of any hardship the guardian can move appropriate application/petition before the court regarding use of the share of the minor.

(V) For the purpose of investment of the amount in the name of minor, the guardian (named above) can withdraw the amount and can invest the

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same in the name of minor.

(VI) In the event the natural guardian deviates from above-noted condition then the natural guardian mentioned above shall be personally liable to the minors upto the extent of share of the minor in the sale proceeds only.

Memo of costs be prepared accordingly. File be consigned to record room after due compliance.

Pronounced in open court.
22.07.2026

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Addl. Civil Judge (Senior Division),
Sonapat.

Note: It is certified that this judgment contains **five** pages and each page has been signed by me.

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Present: Shri Ajay Sehrawat, Advocate for petitioner.
Respondent exparte vod 14.07.2025.

Exparte arguments heard.

Order pronounced.

Vide my separate judgment of even date, the petition of the petitioner stands allowed with costs. Memo of costs be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open court.
22.07.2026

(Neha Goyal)
Addl. Civil Judge (Senior Division),
Sonapat.
(UID No.HR-0359)

Sonal

(Neha Goyal)
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