

**IN THE COURT OF MS. DALJEET KAUR, PCS, ADDITIONAL
CIVIL JUDGE (SENIOR DIVISION), DHURI.
UID PB-0420**

File No.	200 dated 01.04.2025
CIS No.	GW/05/2025
CNR No.	PBSGB0000199-2025
Date of Decision	20.12.2025

Kiranjeet Kaur aged 41 Years widow of Rupinder Singh @ Rupinder
Singh Cheema son of Darshan Singh, resident of Village Bhullerheri,
Tehsil Dhuri, District Sangrur.

...Applicant

Versus

General Public

...Respondent

Application under Section 8 of Hindu Minority and
Guardianship Act 1956 and Guardian and Wards Act for
granting permission to the applicant for the sale of
property of minor daughter Prabhnoor Kaur age 17 years
(D.O.B. 15.11.2007) and minor son Harjass Singh
Cheema age 10 Years (D.O.B. 29.04.2014) of Rupinder
Singh son of Darshan Singh both residents of Village
Bhullerheri, Tehsil Dhuri detailed as under:-

i) Land measuring 3 Bighas 3 Biswas 6 Biswansies being

38/288 share (Le. 19/288 share belonging to each) in land measuring 24 Bighas comprised in Khata No. 486/848 Khasra Nos. 152/0-12, 188/8-8, 190/3-1, 191/6-5, 192/5-14.

ii) Land measuring 1 Bigha 8 Biswas 17 Biswansies being 2/9 share (ie. 1/9 share belonging to each) in land measuring 6 Bighas 10 Biswas comprised in Khata No.487/849 Khasra Nos. 151/0-1, 152/5-8, 189min/1-1, situated in the revenue estate of Village Bhullerheri, Tehsil Dhuri vide Jamabandi for the year 2022-2023.

Present : Sh. Parveen K. Mittal, Advocate counsel for applicant.
(Application qua the share of Prabhnoor Kaur withdrawn)
Respondent exparte vide order dated 08.08.2025.

JUDGMENT :-

1. Applicant Kiranjeet Kaur filed the present application against respondent General Public for grant of permission to sell the property of minors.

2. Briefly stated, case of applicant is that the applicant and minors are Hindu and are governed by Hindu Law. The applicant and minors are governed by Guardian and Wards Act and Hindu Minority and Guardianship Act, 1956. The applicant is the natural mother of the minor daughter Prabhnoor Kaur (D.O.B. 15.11.2007) and minor son Harjass Singh Cheema (D.O.B. 29.04.2014). The minors are being brought up by

the petitioner/applicant and it is the applicant who provides all kinds of maintenance and education to the minors and bear all the expenses of the minors with great difficulty. Rupinder Singh son of Darshan Singh was the owner of land measuring 4 Bighas 15 Biswas being 19/96 share of land measuring 24 Bighas comprised in Khata No.486/848 situated in the revenue estate of Village Bhullerheri, Tehsil Dhuri vide Jamabandi for the year 2022-2023. Rupinder Singh son of Darshan Singh had died on 02.12.2023 leaving behind applicant Kiranjeet Kaur (widow), Prabhnoor Kaur minor daughter and minor son Harjass Singh Cheema as his legal heirs and they have inherited the estate of Rupinder Singh son of Darshan Singh after his death and this fact is very much evident from the mutation No. 5769 dated 19.09.2024 appended on the Jamabandi for the year 2022-2023 of Bhullerheri, Tehsil Dhuri. In this way, minor Prabhnoor Kaur and minor son Harjass Singh Cheema have become the owners to the extent of 38/288 share (Le. 19/288 share to each) out of the estate of Rupinder Singh son of Darshan Singh. Similarly Surjit Kaur wife of Darshan Singh was the exclusive owner of land measuring 6 Bighas 10 Biswas comprised in Khata No. 487/849 situated in the revenue estate of Village Bhullerheri, Tehsil Dhuri vide Jamabandi for the year 2022-2023. Surjit Kaur wife of Darshan Singh had died on 28.11.2023 and after the death of Surjit Kaur, Prabhnoor Kaur minor daughter and minor son Harjass Singh Cheema have inherited the estate of Surjit Kaur wife of Darshan Singh to the extent of 2/9 share (i.e. 1/9 share each) and this fact is very much evident from the mutation No. 5786 dated 29.11.2024 appended on the

Jamabandi for the year 2022-2023 of Bhullerheri, Tehsil Dhuri. In this way, minor Prabhnoor Kaur and minor son Harjass Singh Cheema have become the owners to the extent of 2/9 share (i.e. 1/9 share to each) in land measuring 6 Bighas 10 Biswas in Khata No.487/849 on the basis of mutation No.5786 dated 29.11.2024. The minors are the owners of the suit property fully described in heading of the application. The applicant has been bringing up the minors very hardly. The applicant being the mother of the minors is the natural guardian. The minors reside with the applicant and it is the applicant who takes care and bears all the day to day expenses as well as educational expenses of the minors and as such the present application is being filed through the applicant on behalf of the minors for the interest and welfare of the minors. The applicant alongwith minors is now residing at Village Bhullerheri, Tehsil Dhuri, District Sangrur. Now the applicant wants to alienate the land of the share of the minors as the same remains uncared and yields no income to the minors. Moreover it is very difficult for the applicant to manage the suit property. The applicant and minors are unable to protect the suit property from the encroachers. Therefore, this property has no use for the minors. The present application for permission to sell the property of the minors mentioned in the heading of the petition is necessitated on the following grounds:-

- (a) That the minors are the owners of property fully described in the heading of the petition Situated at Village Bhullerheri, Tehsil Dhuri which remains uncared.
- (b) That the land of the minor usually remain uncared, and is not

yielding any income to the minors and there is no body to lookafter the said land.

(c) That the proposed sale of the property of the minors is for the benefit and interest of the minors as there is no other source of income for upbringing of minors. The minors will be brought up in a good manner and will get a good education and income from the sale proceeds of the property of their share.

(d) That the applicant undertakes to deposit the sale proceeds of the property of the minors in the name of the minors in any Nationalized Bank and will look after and maintain the minors with the income of interest accruing from the fixed deposit of sale proceeds. The applicant will not misuse the sale proceeds.

(e) That no one is ready or willing to take the property on lease of the minors and same remains uncared most of time and as such the value of property in question is diminishing day by day.

(f) That the applicant wants to admit the minors in a well established Institute/School/College for his bright future.

(g) That no partition has taken place regarding the property so far and the khata is still joint and the other co-owners creates trouble in the management of the property of the minors.

3. The applicant being the mother of the minors is the natural guardian of the minors. The present petition is being filed for the interest and welfare of the minors and the applicant has got no adverse interest to that of the minors. Hence, the present petition.

4. Notice of the petition was given to the respondent i.e. general public by way of publication. However, despite service, nobody appeared on behalf of the respondent to contest the claim of the applicant, as such, respondent was proceeded against exparte vide order dated 08.08.2025

5. In her exparte evidence, applicant Kiranjeet Kaur herself stepped into witness box as PW2 and also examined Yadwinder Singh Namberdar as PW1 and Darshan Singh as PW3. Thereafter, ld. counsel for applicant closed the exparte evidence on behalf of applicant after tendering certain documents vide separate statement.

6. In order to prove the case, applicant herself stepped into witness box as AW2 and has reiterated the entire case on solemn affirmation by way of her duly sworn affidavit Ex.AW2/A, the contents of which are not repeated here for the sake of brevity. The applicant has proved on record documents i.e. copy of death certificate of Rupinder Singh Ex. A1, copy of Aadhar Card of Harjass Singh Cheema Ex. A2 and copy of Aadhar Card of Prabhnoor Kaur as Ex. A3.

7. Applicant also examined Yadwinder Singh Namberdar of Village Bhullerheri as AW1 who stepped into witness box and deposed by way of his duly sworn affidavit Ex.AW1/A, that he is Namberdar of Village Bhullerheri. He knows the family of Kiranjeet Kaur wife of Rupinder Singh @ Rupinder Singh Cheema, resident of village Bhullerheri. Kiranjeet Kaur and Rupinder Singh Cheema have two children namely Prabhnoor Kaur and Harjass Singh Cheema. Rupinder Singh Cheema has died on 02.12.2023. After the death of Rupinder Singh

Cheema, his property has been inherited by his legal heirs. Minors Prabhnoor Kaur and Harjass Singh Cheema are being brought up by their mother Kiranjeet Kaur.

8. Applicant also examined Darshan Singh (father-in-law of applicant) as AW3 who stepped into witness box and deposed by way of his duly sworn affidavit Ex.AW3/A as per the lines of petition, the contents of which are not repeated here for the sake of brevity.

9. It is pertinent to mention here that when the case was fixed for exparte evidence of applicant, ld. counsel for applicant suffered statement that minor Prabhnoor Kaur has already attained maturity. Therefore, he withdraws the present petition qua the share of Prabhnoor Kaur and also withdraws the present petition as stated in heading (i) of the plaint. He further submitted that present petition may kindly be decided regarding relief sought in heading (ii) of the plaint qua the share of Harjass Singh Cheema. He also tendered documents i.e. copy of jamabandi for the year 2022-23 Ex. A4 and copy of birth certificate of Harjass Singh Cheema as Ex. A5.

10. The ld. counsel for the applicant submitted his arguments in the line to that of the present application, wherein he stated that the minor Harjass Singh Cheema is living under the care and custody of his mother. For the betterment of the minor, the sale of the share of the land of the property owned and possessed by the minor is very much required and hence by examining herself and the other witnesses, the applicant has proved her case and a prayer was made to allow the present application

under section 8 of the Hindu Minority and Guardianship Act and its relevant provision.

11. After giving a thoughtful consideration to the oral and documentary evidence on record coupled with the submission made by the learned counsel for applicant, I am of the opinion that minor Harjass Singh Cheema is residing with his mother under her care and custody being natural guardian. There is nothing on record that she has any adverse interest qua the minor Harjass Singh Cheema.

12. There is no other oral or documentary evidence on record by virtue of which this Court can come to the conclusion that the present application by the applicant needs to be dismissed or it is not made in good faith or it is against the welfare of the minor Harjass Singh Cheema, rather the same appears to be beneficial to the minor as the share of the minor is meager and it is not yielding any income to the minor and no useful purpose shall be served by keeping the same intact.

13. Accordingly, for the reasons and discussion made above, the present application in hand is allowed and the applicant, who is the natural guardian being mother of minor Harjass Singh Cheema is granted the necessary permission to sell the share of the minor Harjass Singh Cheema in the suit property i.e. 0 Bigha 14 Biswa 8 Biswansies as mentioned in heading (ii) of the application, situated in the revenue estate of village Bhullerheri, Tehsil Dhuri, at any rate, but not less than the reserved Govt. price of that particular area, to any person, subject to

condition that the entire sale proceeds as per the share of the minor, shall be deposited by her in some scheduled bank in the name of the minor in the shape of FDR(s), which shall be payable to him on attaining the age of majority. The applicant is also granted permission to withdraw the interest accruing therein and utilized the same for the welfare and the benefit of the minor. After attaining the age of majority, the present minor Harjass Singh Cheema shall be able to utilize the said amount alongwith interest therein if any, as per his wishes and for his own benefits. Applicant is further directed to place on record the copy of the FDR(s) standing in the name of the minor within three months from today and in case, the same is not sold within the said period, then applicant is under obligation to seek extension of time from the Court. Since the property is already mortgaged vide rapat no. 406 dated 15.06.2023 with the Punjab Gramin Bank as is clear from the revenue record, the applicant shall make it clear by mentioning the clause in the sale deed that the property is under mortgage and the encumbrances will go alongwith transfer until and unless the encumbrances is cleared before the sale.

14. Any miscellaneous application(s), if pending be deemed as dismissed being not pressed. File be consigned to Record Room, after due compliance.

Pronounced in open Court
Dated: 20.12.2025
Saurav, Stenographer

(Daljeet Kaur)
Additional Civil Judge (Senior Division),
Dhuri (UID No.PB0420)

Present : Sh. Parveen K. Mittal, Advocate counsel for applicant.
(Application qua the share of Prabhnoor Kaur withdrawn)
Respondent exparte vide order dated 08.08.2025.

Arguments heard. Vide separate detailed order of even date,
the present petition is allowed, as stated therein. File be consigned to the
Record Room, complete in all respects.

Pronounced in open Court
Dated: 20.12.2025
Saurav, Stenographer

(Daljeet Kaur)
Additional Civil Judge (Senior Division),
Dhuri (UID No.PB0420)