

**IN THE COURT OF Mrs. PAMELPREET GREWAL KAHAL, PCS
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION), DERA BASSI.**

CNR NO: PBSAB0001198-2018

Case No.14 Dated 20.10.2018

CIS No.GW/19/2018

Date Of Decision: 07.01.2020

Aman Preet Kaur aged about-33 years wife of Sh.Bala Singh son of Mast Singh resident of 317, near Gurudwara Sahib, Village Karanpur, Tehsil Kalka, District Panchkula, Haryana.

...Petitioner

Versus

General Public

...Respondent

Petitioner under section 8(2) of the Hindu Minority and Guardianship Act for granting permission to sell the property/land of minors Satnam Singh and Navjot Singh son of Bala Singh(petitioner) i.e. plot no.23, measuring 5 square yard being 1/216 share of Navjot Singh and 1/216 share of Satnam Singh sons of Bala Singh comprising in Khewat Khatoni No. 70/58/76, Khasra No.3//21/2(0-16), total land 0-16 Kitte 1, situated in Village Daffarpur, Tehsil Dera Bassi, District SAS Nagar(Mohali) which is bounded

as under:-

North: Passage

South: Land of other ownership

East: Plot of Manjit Kaur etc.

West: House of Smt. Veena Rana

Present: Sh. KS Dhillon, Advocate counsel for the petitioner.

Respondent exparte.

J U D G M E N T

The present petition has been filed by the petitioner under section 8(2) of the Hindu Minority and Guardianship Act for permission to sell the land of the petitioners as mentioned in the headnote of the plaint.

2. In brief, the version of the petitioner is that Bala Singh was owner of the property mentioned in the head note and was the husband of petitioner and minor sons Satnam Singh and Navjot Singh who died on dated 08.07.2016. After his death, the property is inherited by the petitioner and both minor children in equal share i.e. 1/216 share each in the said land. The mutation No.3666 dated 03.08.2016 of inheritance of Bala Singh was sanctioned in favour of petitioner and minor son and the same was incorporated in the jamabandi for the year 2012-13. Earlier the petitioner filed a suit case NO.19 dated 09.11.2016 titled as Amanpreet Kaur Versus General Public which was decided by Mrs.Balwinder Kaur Dhaliwal, PCS, Addl.Civil Judge(Sr.Divn.), Dera Bassi for permission to sell the property of minors Satnam Singh and Navjot Singh measuring 55 Sq yard out of total

land measuring 6 kanal 12 marla comprising Khewat Khatoni No.119/106/140 Khasra No.3//21/1 (6-12), situated in Village Daffarpur and the permission to sell the property of both minor sons was granted by Hon'ble Court but inadvertently the property mentioned in the headnote could not be mentioned in the above said case so due to this reason the present petition is filed. The petitioner is the mother and natural guardian of minors Satnam Singh and Navjot Singh of petitioner and the minors are residing at above said address which is far away from the property mentioned in the head note. Both the minor are residing with their mother Amanpreet Kaur. The petitioner being the mother of the minor Satnam Singh and Navjot Singh is looking after, up keeping and providing good education to the minor children in reputed school. The petitioner is in dire need of necessary funds for up keeping and providing good education to the minor sons Satnam Singh and Navjot Singh. The petitioner wants to sell the suit property for the interest and welfare of minors Satnam Singh and Navjot Singh because there is a small part of land i.e. 05 Sq yards. As the other part of the land is sold out with the permission of the Hon'ble Court. The petitioner also wants to purchase the valuable property in the name of minor Satnam Singh and Navjot Singh after selling the suit property for the interest and welfare of the minors. The petitioner is not having any sufficient source of income and minors Satnam Singh and Navjot Singh is fully dependent upon the petitioner for their higher education and maintenance day to day needs, bright future. The petitioner undertook that the consideration of the amount of the land of minors will be used for welfare of minor and purchasing the land in the name of minors near their residence. The

petitioner does not have any adverse interest to that of the minors. Hence, prayer for allowing the petition is made.

3. Respondent General Public was served through publication but none appeared despite service and thereafter the respondent was proceeded against exparte.

4. In exparte evidence, petitioner herself stepped into witness box as PW1 and placed on record the documents i.e. copy of death certificate of Bala Singh as Ex P1, copy of jamabandis for the year 2017-18 as Ex P2 and Ex P3, copy of Adhar card of petitioner and minor sons as Ex P4 to Ex P6 certified copy of judgment and decree dated 19.12.2017 as Ex P7 and Ex P13, certified copy of registration of sale deed vide wasika No.980 dated 21.08.2018 as Ex P8, copies of confirmation of deposit as Ex P9 and Ex P10 copy of Municipal Corporation Panchkula as Ex P11 and copy of birth certificate as Ex P12 and thereafter closed the exparte evidence vide separate statement.

5. I have heard the learned counsel for petitioner and have gone through the material on record.

6. In the case at hand, the version of the petitioner is duly proved by the testimony of PW1 Amanpreet Kaur who has deposed on the lines of the petitioner as reproduced in para no.2 of this judgment. Certified copies of earlier judgment dated 19.12.2017 is Ex P7 in which permission has already been granted to sell the other property of the minors. Petitioner has specifically undertaken that the sale proceeds from the sale of the present property shall be used for the minors so that she can provide proper education to them. She has deposed that she does not have sufficient means

to maintain her children. She is unable to look after the property which is situated. The entire evidence of petitioner has gone un rebutted and unchallenged. From the evidence on the file this Court is of the considered opinion that the sale of the property of minors will be for their benefit and welfare.

7. Accordingly, the present petition is hereby allowed and permission is granted to petitioner to sale the property of the minors namely Satnam Singh and Navjot Singh as mentioned in the headnote of the petition subject to the condition that the sale proceeds shall be received by way of FDR in the name of the minor petitioners which will be used for proper education and upbringing of the minor petitioners. File be consigned to the Judicial Record Room, Dera Bassi.

Pronounced in Open Court

07.01.2020

**(Mrs. PAMELPREET GREWAL KAHAL, PCS)
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION)
DERA BASSI (UID No.PB0304)**

Dictated by Self.

Typed by: Tanuja Puri, Stenographer-II

I attest to the accuracy and authenticity of this document.
Tanuja Puri, Stenographer/Judgment Writer