

IN THE COURT OF DISTRICT JUDGE, NORTH 24 PARGANAS, BARASAT

Present :

Shri Santanu Jha (JO Code : WB-00399),
District Judge, North 24 Parganas

Misc. Case No.151 of 2023 (Act-VIII)

CNR :WBNP01-006042-2023

Order No.15, dated 05.03.2026

Today is fixed for passing order in connection with an application under section 8 of the Hindu Minority and Guardianship Act, 1956, read with section 29 of the Guardians And Wards Act, 1890, filed by the petitioner Smt. Priyanka Ghosh Bhowmik @ Priyanka Ghosh, praying for granting permission to the petitioner as a natural guardian to sell the share of property of her minor daughter Rayna Ghosh.

Petitioner files hazira.

The matter is taken up for passing order.

Perused the materials on record.

The case of the petitioner, in brief, is that the husband of the petitioner Late Rakesh Ghosh during his lifetime seized and possessed the following property :

Schedule A Property

All that a piece or parcel of *bastu* land admeasuring more or less 1 cottah 10 chittak 35 sq.ft. and a *tali* shed building covering 300 sq.ft. more or less, under R.S. Dag No.9504, R.S. Khatian No.932 of Mouza : Dakhin Nimta, J.L. No.8 within the local limit of North Dum Dum Municipality under the jurisdiction of ADSRO, Belgharia within P.S. Nimta, District ; North 24 Parganas under Ward No.22, being Holding No.140/1, Saradamoni Road.

Petitioner further states that her husband Rakesh Ghosh died intestate on 20.11.2014, leaving behind him, his mother, Soma Ghosh, wife (the present petitioner) and minor daughter Rayna Ghosh, as his only legal heirs and successors and accordingly each

became the joint owners having 1/3 share in the undivided Schedule A Property. Subsequently, on 07.12.2020 the mother of the deceased, Soma Ghosh, transferred her undivided 1/3rd share in favour of her granddaughter minor Rayna Ghosh and accordingly the minor became the owner of 2/3rd share in the undivided Schedule A Property, which is depicted in the Schedule B Property below.

Schedule B Property

2/3rd share in the Schedule A Property along with 2/3rd share in the building under covering area 300 sq.ft., under Mouza : Dakhin Nimta, P.S. Nimta, under the district of North 24 Parganas.

It is the further case of the petitioner that after the demise of her husband, her minor child, who is a student, has been living in her custody and she is being looked after by the petitioner and to maintain the livelihood, education and welfare of her said minor child properly, it is required to sell out the property involving the interest of the minor to the intending purchaser.

In the light of the above, the petitioner has prayed for granting permission to sell the property of her minor child as depicted in Schedule B Property.

In this case, the petitioner deposed as PW-1 and tendered relevant documents in support of her contention. The documents tendered have been marked as Exhibit-1 to 5. During her evidence, she prayed for relief as per her petition.

Petitioner made necessary paper publication in Bengali in a daily newspaper and no objection is reported till date in respect of the subject matter. It has also been declared by the petitioner that no Court has appointed or declared any other person as the guardian of the aforesaid minor's person or property under the Guardians and Wards Act. It is also found that the property in question situates within the jurisdiction of this Judgeship.

Having traversed through the evidence advanced by the petitioner-mother in support of her application, this Court finds no legal impediment in appointing the petitioner as guardian to sell her

minor child's property, in accordance with law, for their betterment and welfare. Upon careful consideration, it is found that the prayer may be allowed for future betterment and welfare of the minor.

Hence, it is

ORDERED

That Misc. Case No.151 of 2023 (Act-VIII) be and the same is allowed.

The petitioner Smt. Priyanka Ghosh Bhowmik @ Priyanka Ghosh is hereby granted permission as a natural guardian to sell the share of property of her minor daughter Rayna Ghosh as depicted in the Schedule B Property, on the following condition/s :

- 1) That the petitioner shall furnish a bond of Rs.50,000/- (Rupees fifty thousand only) before this Court.
- 2) That the sale proceeds to be received against the minors' share should be judiciously utilized only for the purpose of education, medical treatment, welfare and betterment of the aforesaid minor child.

The instant Misc. Case stands disposed of.

Certified copies to issue urgently.

Dictated & corrected by me,

Sd/-
**District Judge,
North 24-Parganas**

Sd/-
**District Judge,
North 24-Parganas
(JO Code : WB-00399)**