

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.1230 OF 2025

IN

SECOND APPEAL (STAMP) NO. 27822 OF 2025

(Sau.Amena Begum Riyazuddin Quazi (Dead) through LRs and others vs. Zuberuddin Wahiduddin Quazi and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Masood Shareef, Advocate for applicant.

CORAM : ROHIT W. JOSHI, J.
DECEMBER 16, 2025

- 1) Issue notice to the respondent by speed post in addition to regular mode of service, returnable on **21/01/2026**.
- 2) The applicant to file affidavit of service before the returnable date.
- 3) Mr.Shareef, learned counsel contends that although under Muslim Personal Law a mother can not act as a natural guardian for her minor children in order to alienate the properties/property of minor children, in the case at hand the suit property was initially owned by Wahiduddin Quazi (father of the plaintiff). He further contends that the father of the plaintiff has entered into an agreement of sale dated 25/04/1994 and died on 04/07/1994 during the subsistence of the agreement. The contention is that the impugned sale deed dated 30/06/1995 is executed by the mother in order to discharge contractual obligation of deceased Wahiduddin (father of the plaintiff) and therefore, transaction would be binding on the

plaintiff and defendant Nos.3 and 4, who are children of Wahiduddin.

4) A substantial question of law as regards the authority of the mother to execute a sale deed in a situation where the father of the plaintiff had entered into an agreement and has expired while the agreement was subsisting without executing sale deed may arise for consideration in the Second Appeal.

5) In view of above, the execution of impugned decree is stayed till the returnable date.

(ROHIT W. JOSHI, J.)