

EXHIBIT NO.

Received on : 01.01.2018.

Registered on : 01.01.2018.

Decided on : 27.03.2018.

Duration : Y-0 M-2 Days-26

IN THE COURT OF DISTRICT JUDGE BHUSAWAL.

(Presided over by P.R. Sitre District Judge-2)

CIVIL MISC. APPLICATION NO.01/2018.

1. Shubham Bharat Wagh, Age-17 years,
Occupation : Education,
2. Ashabai Bharat Wagh,
Age-40 years, Occupation : Agriculturist,
3. Pradip Bharat Wagh,
Age-22 years, Occupation : Education,
All R/o. Manur Bk., Tal. Bodwad.
District- Jalgaon. APPLICANT.

VERSUS

NIL RESPONDENT.

Petition under Section 8 (2) of Hindu Minority and Guardianship Act, 1956.

Shri. Vikas P. Sharma, Advocate, for the Applicant.

J U D G M E N T**(Delivered on this 27th day of March, 2018)**

This is a petition u/s.8(2) of the Hindu Minority and Guardianship Act, 1956. Applicant no.2 is the mother and applicant no.3 is brother of applicant no.1. Applicant no.1 is a minor child. Hence, applicants filed this petition for grant of permission to sell the property which is in the name of applicant no.1.

2. The applicant no.1 is Shubham Bharat Wagh is aged about 17 years and applicant no.2 Ashabai Bharat Wagh is mother of applicant no.1 and applicant no.3 Pradip Bharat Wagh is the brother of applicant no.1. They are residing jointly. The applicant no.2 purchased the property in the name of applicant no.1 Shubham Bharat Wagh on 15.12.2015 from Govind Tukaram Dhole. The description of property ;

N.A. Gat No.247/2/B, Plot No.2 total area 65 square meter;

East side 05.00 meter

West side 05.00 meter

North side 13.00 meters

South side 13.00 meters

Four boundaries of said plot are ;

To East – Plot no.9

To West – 9 meter road

To North – Open space

To South – Plot no.3

3. The said property was purchased from Govind Tukaram Dhole and it is under the possession of applicants. It is the joint family. All the expenses for the livelihood and for education are incurred and paid by applicant no.2. The above said property is purchased by applicant no.2 in the name of applicant no.1 for his bright future and education. But, now they are in need of money for education of applicant no.1 as financial status of applicant no.2 is decreases. Hence, to continue the education of applicant no.1 they have no alternative option other than to sell the property. The market price of the said property/plot is Rs.70,000/- and one purchaser is ready to purchase the said property. Understanding is in between the purchaser and applicant are already going on.

4. The applicants published a public notice in daily local Newspaper "Dainik Janshakti" on 12.01.2018.

5. The applicant has filed the following documents on record ;

1) Paper Notice Exh.7,

2) Exh.3 contains :-

7/12 extract,

Aadhar card of Ashabai Bharat Wagh,

Aadhar Card of Pradip Bharat Wagh,

Aadhar Card of Shubham Bharat Wagh

Leaving certificate of Shubham Bharat Wagh.

- 3) Evidence on affidavit of Ashabai Bharat Wagh Exh.8,
- 4) Evidence on affidavit of Pradip Bharat Wagh Exh.9.

6. The applicant Ashabai Bharat Wagh and Pradip Bharat Wagh has filed their evidence on affidavit at Exh.8 and Exh.9. The Leaving Certificate of Shubham Bharat Wagh is at Exh.3. It read that Ashabai Bharat Wagh is the mother of Shubham Bharat Wagh and his date of birth is 15.10.2000.

7. I called minor Shubham Bharat Wagh in the Court. I verified that the child is minor. He is residing with applicant nos.2 and 3 and applicants are taking care of him. He is happy with them. The applicant no.2 is the mother of applicant no.1 and applicant no.3 is the brother of applicant no.1. The public notice is published on 12.01.2018 in daily local Marathi Newspaper namely "Dainik Janshakti". No one came to contest the claim of applicants. The applicant no.2 has filed the affidavit in support of her claim.

8. Thus, considering the welfare of the minor I allow the application and pass the following order.

ORDER

- 1) The Civil Misc. Application No.01/2018 is allowed.
- 2) The applicant nos.2 and 3 may sale the property within Three months from the date of order.
- 3) Within 10 days after the sale transaction is over, applicant no.2 shall deposit Rs.15,000/- in the name of applicant no.1 Shubham Bharat Wagh for 5 years in any Nationalized Bank in Bhusawal.
- 4) The applicant no.2 shall file copy of sale deed and the fixed deposit receipt in this Court immediately.

(Judgment dictated and pronounced in open Court)

Date-27.03.2018.

**(P.R. Sitre)
District Judge-2
Bhusawal.**

I affirm that the contents of this P.D.F. File Judgment are same, word to word, as per original Judgment.

Name of the Stenographer : Smt. A.A. Thengdi.
Name of the Court : District Judge-1 Court.
Date of Judgment : 27.03.2018.
Judgment signed by the P.O. on : 27.03.2018.
Judgment upload on : 08.06.2018.