

**HIGH COURT OF TRIPURA
AGARTALA
FA NO.05 OF 2024**

Smt. Dipali Das,
W/o Lt. Tapan Kumar Das,
Resident of Vill, Bairagi Tilla,
Barjala, P.O. Barjala, P.S.- West Tripura,
Dist-West Tripura.

-----Appellant(s)

Versus

The World at Large

-----Respondent(s)

For the Appellant(s)	: Mr. S. Datta, Advocate.
For the Respondent(s)	: None.
Date of hearing and delivery of Judgment & Order	: 05/11/2024.
Whether fit for reporting	: No.

**BEFORE
HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

J U D G M E N T & O R D E R (O R A L)

(T. AMARNATH GOUD, J)

This is an appeal under Section 47 of the Guardians and Wards Act, 1890, read with Section 96 of the Civil Procedure Code, 1908, against the order dated 28.02.2024 passed by the learned District Judge, West Tripura, Agartala in Civil Misc. (GC) 19 of 2023.

2. The brief facts of the case is that the appellant filed an application under Section 10 of the Guardians and Wards Act,

1890, read with Section 8 of the Hindu Minority and Guardianship Act before the learned District Judge, West Tripura, Agartala, for the appointment of a legal guardian of the minors, namely Miss Tania Das, aged about 16 years, and Miss Sonia Das, aged about 10 years, and for the sale/partition of the properties of the minors to mitigate the educational expenses and maintenance of her minor daughters. A general notice was published in the daily local newspaper "*Tripura Darpan*" dated 23.11.2023 to inform the general public and any interested persons about the filing of the aforesaid application by the appellant herein. Since no one appeared, the case was fixed for evidence. The appellant adduced her evidence, and after hearing the parties, the learned court below appointed the appellant as the legal guardian of her two minor daughters and allowed the partition of the property mentioned in the schedule but did not permit the sale of the said property for the welfare of the minors. Hence, the appellant prefers this appeal.

3. Mr. S. Datta, learned counsel appearing for the appellant, submits that the appellant is a housewife and has no source of income, and is facing severe hardship in meeting the educational expenses and maintenance of her minor daughters. Therefore, he prays before this court to allow the appellant to

partition/sell the property mentioned in the schedule of the application.

4. Heard and perused the record.

5. In terms of the arguments given on the record, this present appeal stands allowed and the sale of the impugned property is permitted. The sale proceeds is to be divided into 3(three) equal parts. 2(two) parts of the said sale proceeds shall be deposited as fixed deposits in a nationalized bank, independently, in favor of the appellant's two minor daughters. The said amount would be there till both the children attains their age of 20(twenty) years. The appellant-mother is entitled to use the remaining third portion for herself and also for the care and dedication of her minor daughters.

6. With the above observations, this present appeal stands allowed and thus disposed of. As a result, any stay granted, if applicable, is vacated. Any pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

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