

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 5 OF 2015

WITH

C.A. NO. 3462/2015 IN A.O. NO. 5/2015

**(Harshawardhan Prashant Bhusal under the guardianship of
his father Prashant Bhikaji Bhusal – appellant No. 2 Vs.
Nil)**

Mr. A.S. Bajaj, Advocate holding for Mr. H.A. Bajaj,
Advocate for the appellants.

Mr. S.S. Tope, Additional Govt. Pleader as *Amicus Curiae*

CORAM : M.T. JOSHI, J.

DATE : 25/03/2015

ORAL ORDER :

1. Heard both sides.
2. Upon hearing both sides, it appears that a loan proposal of the guardian of the minor, amounting to Rs. Four Crores and odd is pending and for that purpose, the property of the minor as well as parents is required to be mortgaged with the concerned nationalized bank and the subsidy of about 40% is to be released by the concerned authorities in view of the schemes. A copy of the statement giving details of the property to be mortgaged of the minor, his father and mother is placed on record under the signature of the learned counsel for

the appellants. The same is taken on record and marked as "X" for the purpose of identification. The copy of the said statement is also served to Mr. S.S. Tope, learned Additional Govt. Pleader and amicus curiae.

3. In that view of the matter, since the execution of the mortgage-deed would be for the advancement of the family, the order of the learned Adhoc District Judge-1, Sangamner, dated 26th November, 2014 passed below Exhibit-1 in Guardian M.A. No. 36/2011 is hereby set aside. Permission to execute the mortgage-deed in favour of the nationalized bank is hereby granted to the present appellants, on the following conditions.

4. That, the copy of the mortgage-deed, which would be executed in favour of the nationalized bank be filed in the proceeding in the trial court within a period of two months from the date of the execution of the mortgage-deed, which would show that the property mentioned in the statements (marked "X") of the minor as well as his parents is mortgaged or shall report the further progress in the loan proposal within a period of one year and thereafter, shall file the copy of the

mortgage-deed as and when executed within a period of two months from the date of such execution of the mortgage-deed, in the proceeding in the trial court.

5. With the above directions, the Appeal from Order is disposed of.

6. In view of disposal of the Appeal from Order, civil application No. 3462/2015 does not survive and hence, stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/ao5-2015