

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE TWENTY NINETH DAY OF JANUARY  
TWO THOUSAND AND FIFTEEN

PRESENT  
**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**  
&  
**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CIVIL MISCELLANEOUS APPEAL No.585 of 2010**

Between:

Smt.Mumtaz Begum @ Sarah Benjamin

**..... APPELLANT**

AND

All concerned

**.....RESPONDENT**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**  
&  
**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CIVIL MISCELLANEOUS APPEAL No.585 of 2010**

**ORDER:** (per Hon'ble Sri Justice G.Chandraiah)

Appellant herein has filed G.W.O.P.No.1953 of 2009 on the file of the Chief Judge, City Civil Courts, Hyderabad under Section 29 of the Guardian and Ward Act, 1890 seeking permission to sell the schedule property standing in the name of minor and to deposit sale proceeds in any Nationalized Bank or post office by way of fixed deposit in the name of minor child by name I.Indira Prema Dyvanu

Graha and to enjoy the interest derived therefrom. The Court below dismissed the said GWOP by order dated 10.11.2009. Aggrieved by the same this appeal is filed.

The case of the appellant is that she purchased a house bearing No.1-3-581 and 582 admeasuring 69 square yards consisting of ground, first and second floor situated at Kavadiguda, Secunderabad vide registered sale deed bearing Document No.3391/2008 dated 03.10.2008 in the name of her minor daughter Baby I.Indira prema Dyvanu Graha and since then she has been in peaceful possession and enjoyment of the said property without any interruption by anybody. The present market value of the said property is Rs.18,19,000/- The further case of the appellant is that for the welfare of the minor child, the appellant and her husband have taken safe investment plan in Kotak for a term of five years and the annual premium is Rs.75,000/-. The appellant intends to give better education to her minor child and at present the minor child has to join in the primary school and for that purpose, the appellant and her husband decided to dispose of the schedule property which stands in the name of the minor child for the benefit of the minor child.

The Court below dismissed the said application on the ground that the minor child is aged about 4 years and she has to join in the primary school; that the property was purchased in the year 2008 and the present petition is filed in 2009; that there is no necessity to dispose of the property for the welfare and education of the minor child for the present, since the appellant and her husband are in good position and status as they were able to pay annual premium of Rs.75,000/- towards investment plan in Kotak in the name of the minor child.

Aggrieved by the said order, the present appeal has been filed simply contending that based on the wrong presumptions and

assumptions without validly considering the documents and evidence placed by the appellant, the Court below dismissed the GWOP. Except that, no contention was urged or raised any point legal or otherwise by the appellant questioning the impugned order of the Court below.

It is needless to say that right to education upto the age of 14 is a fundamental right to every citizen under Article 21-A of the Constitution of India and the State Government shall provide free and compulsory education to all children of the age of 6 and 14 years. Nowhere it is averred by the appellant that she is going to join the minor child in any private educational institution to give better education, which is more expensive.

We do not find any infirmity legal or otherwise warranting interference with the impugned order. Accordingly, the Civil Miscellaneous Appeal is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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**G.CHANDRAIAH,J**

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**M.S.K.JAISWAL,J**

Date: 29.01.2015

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