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after him mother is the natural guardian of the minor and, in the absence of both, the court can appoint the guardian for the person and property of the minors, particularly, the parents of the minors are alive, the learned Judge held that the grandmother cannot be permitted to act as a guardian of the minors.

3. When the said order is subjected to challenge, this court by order dated 17/08/2021 granted liberty to add the parents of the minors as respondents and notice was issued to them. Accordingly, the amendment is effected in the first appeal and parents of appellant Nos.1 and 3 are brought on record. They are represented through learned counsel.

4. Heard learned counsel for the appellants and the respondents.

5. The record would reveal that the property in question, which is sought to be alienated has been purchased by appellant No.4 in the names of appellant Nos.1 to 3, when they were minors and the copy of the sale deed is placed on record. The recitals of the registered sale deed would reveal that the property has been purchased by appellant No.4 in the names of the minors. When the application, which has been preferred for alienating the property is perused, it would reveal that appellant No.4 is desirous of alienating the property in the interest of minors and particularly, in view of the precarious financial

condition of the family as set out in Ex-1. It is stated in the application that in order to arrange for the day-today affairs and to meet the expenses for their education, which is very much necessary to make them stand on their own, it is necessary to alienate the said property. The meager income of the family is projected to be not sufficient to cater to the expenses needed for the education and, therefore, it is sought to alienate the property.

6. Since the parents of appellant Nos.1 to 3 are before the court and accord their no objection for alienation, particularly for the reason that the property was purchased by appellant No.4 from her own income. The sale deed specifically records that the amount for purchase of the said property has been arranged by her through her *stridhan* and her own acquired income and, in such circumstances, there cannot be any objection by the respondents, which ultimately is in the interest of the minors. However, at the same time, I deem it expedient to impose a condition, which would safeguard the interest of the minors by putting a condition that 50% of the sale proceeds of the property, which would be alienated, would be deposited in equal proportion in the names of appellant Nos.1 to 3 in fixed deposits for a period of five years with appellant No.4 being appointed as nominee. The interest on the said fixed deposits shall not be used for any other purpose than meeting the educational expenses of appellant Nos.1 to 3. On expiry of the period of five years, the minors, who attain their majority, would be entitled to

re-invest the same or if they require the amount for pursuing their further education, they are at liberty to utilize the same. The impugned order, which failed to take into consideration the aforesaid aspect, deserves to be set aside. Hence, the order dated 02/03/2021 passed by the District Judge, Pune in Civil M.A. No.1073 of 2019 is set aside and the first appeal is allowed in the aforestated terms.

7. All concerned to act on the authenticated copy of the order duly certified by the advocate.

[SMT. BHARATI DANGRE, J.]