



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

27 WRIT PETITION NO. 2142 OF 2025

MRUNMAYI RAMKRUSHNA JOSHI UNDER GUARDIAN OF FATHER
RAMKRUSHNA DNYANESHWAR JOSHI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr. S.P. Tiwari, Advocate for the petitioner.

Mr. K.N. Lokhande, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 15.04.2025

PC :-

01. Heard learned Advocate for the petitioner and learned AGP for the respondent-State. The petitioner is aggrieved by communication dated 09.01.2025 by the District Registrar, Dhule, whereby the Registrar has refused to entertain appeal filed by the petitioner. It is communicated that there is no specific order passed by the Asstt. Sub-Registrar, Class-II, Dhule, while refusing to register the document and appeal is not maintainable. It is further stated that refusal is on the ground that there are certain deficiencies found in the document. It is seen from the communication dated 22.08.2024 of the Joint Sub-Registrar, Dhule that the property which is tried to be sold stands in the name of minor daughter of the petitioner and therefore permission from the District Judge is required under section 8(2) of the Hindu Minority

and Guardianship Act. The Registration is thus refused under Rule 44(i) of the Registration Rules under the Registration Act, 1908. It is thus communicated that under section 23 of the said Act, the Registration cannot be done.

02. Learned Advocate for the petitioner vehemently argued that in-fact the property is purchased by father of the petitioner. The amount is also paid by him and the property in-fact is of her father. He submits that therefore, objection raised by the Sub-Registrar is untenable and illegal. He relies upon judgment in the case of **M. Snega Vs. The Inspector General of Registration & Ors., W.P. No. 29483 of 2018** of the Madras High Court.

03. Learned AGP submits that when law requires, for disposing of the property of minor, prior permission of the District Judge is required under the Hindu Minority and Guardianship Act, no go-bye can be given to the said provision. He, thus, submits that the Authority has rightly passed order and no interference is called for.

04. This Court has considered the judgment passed by the Madras High Court. When Court dealt with section 8(2) of the Act, it is

held that such sale is only voidable at the instance of the minor after attaining majority and such sale be ignored within a period of three years, after she attained majority.

05. In view of the above, this Court finds that when section 8(2) requires permission from the District Court, when the property of minor is to be disposed off. The object is to protect the interest of the minor. No relaxation will be granted in such cases.

06. Considering the above, this Court is not inclined to entertain this Writ Petition. The Writ Petition, therefore, stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]