



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

37 FIRST APPEAL NO. 16 OF 2025

ANJUM FIROZ PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Appellant : Mr. Jadhav Yogesh Arun
AGP for Respondent No.1/State : Mr. D.B.Bhange
...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 24.01.2025

PER COURT :-

1. Heard the learned Advocate appearing for the appellant. The appellant seeks to challenge the order dated 01.04.2023 passed by the learned District Judge -5, in Civil M.A. No. 238 of 2022, by which an application filed by the appellant seeking permission to sale out the properties of the minor under Section 8 of the Guardian and Wards Act, has been rejected.

2. Learned Advocate appearing for the appellant

submits that the husband of the appellant expired leaving behind three minors and the appellant/widow. The properties as described in Column No. 1 of the application are standing in the name of minors. The minor Ruman Firoj Pathan is taking education in 9th Standard and another minor namely Falak Firoj Pathan is taking education in 5th Standard. According to appellant to meet out education expenses of minors, it is necessary to sale out said properties. The learned District Judge elaborately considered averments in the application and found that application sans requisite details of expenses for education. It is also observed that for education of minors, who are studying in 9th and 5th standards, the expenses would not be that much higher for which the selling of the immovable properties would be required.

3. The observations of the learned District Judge are justified looking to facts and circumstances of the case. Section 8 of the Guardian and Wards Act prescribes that the application for sell of the property of minor cannot be entertained by the Courts in absence of pressing need. In such application Court is required to consider that the proposed sale of the properties

are for welfare of the minors. Looking to the grounds as stated in the application, it is difficult to accept that for meager expenses of School education, sell of huge immovable property as described in the claim Clause -(I) is indispensable. No good ground is made out to grant the permission to sale out the properties. No jurisdictional error is brought to the notice of this Court in the impugned order. In that view of the same, the First Appeal stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/