IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1956 OF 2026

Sarabhjeetkaur W/o. Ravindrasingh Numbardar And Anr.
VERSUS
The State Of Maharashtra, Through Collector, Nanded.
...
Mr. G. R. Syed, Advocate for Appellant
Mr. S. N. Kendre, AGP for Respondent-State
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 12TH OCTOBER, 2026

P.C. :-

. Considering the short controversy involved in the First Appeal and the restricted prayer offered by Mr. G. R. Syed, learned Advocate for the appellants, The First Appeal is heard for final disposal at admission stage.

2. Agricultural land comprising gut no.13 of village Kolha, Tahsil Mukhed, District Nanded admeasuring 96 R was standing in the name of minor Balvinder Singh s/o Ravindrasingh Numbardar and Harvinder Singh s/o Ravindrasingh Numbardar. An application under Section 8 of the Hindu Minority and Guardianship Act, 1956 came to be filed by the present appellants in the Court of learned District Judge, Nanded. The proceeding is numbered as Civil M. A. (RJE) No.283 of 2025. The application was filed seeking leave of the Court to sell the property standing in the name of minors for and in the interest of those minors. Appellant no.1

happens to be mother of both the minors while the appellant no.2 happens to be paternal grand father of the minors. The Trial Court assessed the record placed before it, heard learned Advocate for the applicants/appellants, however showed its disinclination with the case put up by the appellants seeking leave.

3. Highlighting the mode of accepting consideration which was inconsistent with the agreement to sell, learned District Judge expressed his doubt on the authenticity of the transaction and opined that the transaction may not be in the interest of the minors.

4. Mr. G. R. Syed, learned Advocate for the appellants while assailing the said order would submit that in fact the appellants demonstrated all the reasons for which the leave was sought. He would submit that the applicants demonstrated that the transaction was solely in the interest of the minors and was not against the interest of them. Further, Mr. G. R. Syed submits that it is not the case that the appellants/applicants are merely interested in selling out the property of the minors.

5. Mr. G. R. Syed, learned Advocate submits that in fact the applicants have purchased another agricultural land comprising gut no.51 of village Pandurna, Tahsil Bhokar, District Nanded in the name of minors. He submits that the amount to be received from the sale of land situated at village Kolha was intended to be utilized for suitable land at village Pandhurna. He would submit that since learned Advocate was

prosecuting the proceeding before the Trial Court expired during the proceeding, the later part of the story i.e. the purchase transaction of agricultural land from village Pandhurna could not be brought to the notice before the learned District Judge.

6. At this juncture, Mr. Syed, learned Advocate makes a restricted prayer to remand the matter back to the learned District Judge to allow the applicants to place on record the documents pertaining to the sale/purchase transaction in respect of the land at village Pandhurna. He would submit that if an opportunity is granted, the applicants shall make every endeavour to convince the District Court to establish the bonafides behind the application.

7. Considering the subsequent development of a sale deed which is executed in the name of the minors through the present applicants, I deem it appropriate to relegate the matter back to the District Court for fresh consideration granting opportunity to the applicants/appellants to convince the District Court on their bonafides. In my view that this shall not cause any prejudice to any party. Suffice to note, learned District Judge shall apply his own mind and shall consider the proceedings on its own merit taking into consideration the documents which the appellants wants to rely. Hence, I pass following order:

ORDER

a. First Appeal stands allowed.

b. Judgment and order dated 10.06.2026 passed by learned District Judge-2, Nanded in Civil Miscellaneous Application No.283 of 2025 is quashed and set aside.

c. The matter is relegated back to the District Court for deciding it afresh on its own merits and without being influenced by any observation recorded by this Court.

d. Suffice to note, learned District Judge shall permit the appellants to place on record a copy of the sale deed bearing no.1662 of 2026.

e. All contentions kept open.

f. First Appeal stands disposed of accordingly.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026