



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.1340 OF 2025

[Pranjali wd/o Shashikant Dhoble @ Pranjali d/o Sudhakar Nimbalkar .vs. NIL]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.A. Patil, Advocate for Appellant.
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CORAM : PRAVIN S. PATIL, J.

DATE : 10-06-2026.

1. Heard the learned counsel for the appellant.
2. In this matter, this court by order dated 27.2.2026 permitted the appellant to file the application for publication of citation notice in local daily newspaper, inviting objections, if any, in the present appeal. Accordingly, the appellant has filed pursis on record dated 6.4.2026 pointing out thereby that she has published the notice in local daily newspaper 'Lokmat' on 20.3.2026 and filed the copy of the local newspaper on record. After issuing this public notice, no objections are raised nor any one appeared in the matter before this court. Hence, this matter is taken up for final disposal.
3. In the present matter the natural guardian of the minor child has filed the application for grant of permission to sell the minors property before the District Judge at Nagpur. According to the applicant, one Shri Shashikant Kamlakar Dhoble had an undivided share in piece and parcel of land bearing Survey No.92/2, ad-measuring 3.76 HR (9.29 Acres) at Mouza-Drugdhamna, Occupancy Class-I, Tahsil and District-Nagpur.

It is further the submission of the appellant that Shashikant Kamlakar Dhoble left for heavenly abode on 10.5.2021 leaving behind the applicant and his minor daughter Ku. Shreedha as his only legal heirs. Accordingly, the names of applicant and Ku. Shreedha have been mutated in the revenue record to the extent of undivided share of Shashikant Kamlakar Dhoble in the said property.

4. According to the appellant, the co-owners of the property are selling their shares in the property and, therefore, it is become expedient for the appellant to sell her share and the share of her minor daughter along with other co-owners so as to fetch a fair consideration. It is further submitted that the appellant being a single mother, it is difficult for her to pursue the education of Ku. Shreedha. As such, considering the future of the minor child, it became incumbent on the part of the appellant to dispose of the above mentioned property for the education purpose of the minor child. As such, by raising all these grounds, the prayer was made to the District Judge to permit to sell 7.49 % undivided share of Ku. Shreedha Shashikant Dhoble in the piece and parcel of land bearing Survey No.92/2, ad-measuring 3.76 HR (9.29 Acres) of Mouza-Drugdhamna, Occupancy Class-I, Tahsil and District-Nagpur. The learned District Judge has rejected the application mainly on two grounds. The appellant failed to produce the agreement to sell with the prospective purchaser though opportunity has been granted to her and suppressed to state the name of the prospective purchaser.

5. The appellant, who approached before this court, has pointed out from the record, particularly from the Roznama dated

9.2.2024 that he was asked only to submit the copy of agreement to sell and appellant was never asked the name of prospective purchaser. From the perusal of the Roznama dated 9.2.2024, it is clear that the court has recorded the fact that she was unable to file the agreement to sell before the court and, thereafter, the matter was proceeded further before the learned District Judge. It is pertinent to note that unless the permission is granted by the court, there was no reason for the appellant to execute the agreement of sale. As such, asking the appellant to furnish the copy of agreement to sell is itself illegal and incorrect. According to the appellant, she was always ready to disclose the name of prospective purchaser, but as same was never asked to her, same was not pointed out to the learned District Judge. Hence, considering the submission of the appellant, the impugned order is liable to be quashed and set aside.

6. In the circumstances, in my considered opinion, the learned learned District Judge has committed the manifest error by rejecting the application in the matter. It seems that he has not applied his judicial mind and by recording the perverse findings, rejected the application. Hence, same is liable to be quashed and set aside. Accordingly, I proceed to pass the following order :

ORDER

- (i) The Appeal is allowed.
- (ii) The impugned order dated 19.3.2024 passed by the learned District Judge, Nagpur in Misc. Civil Application No.532/2023 is hereby quashed and set aside.
- (iii) The matter is remanded back to the learned District Judge to decide the application afresh within a period of 45 days from the date of receipt of the order.

(iv) The Registry is directed to communicate this order to the learned District Judge.

(PRAVIN S. PATIL, J.)

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