

**IN THE COURT OF THE DISTRICT JUDGE, KHURDA
AT BHUBANESWAR.**

Gua.(P) No.77 of 2014.

Chita Ranjan Dash, aged about 48 years,
S/o. Late Abhaya Charan Dash, Vill./P.O. –
Mangalajodi,
P.S. – Tangi, Dist. – Khurda. Represented as minor
Guardian of Biswajit Dash, aged about 12 years,
S/o. Chita Ranjan Dash, Vill./P.O. – Mangalajodi,
P.S. – Tangi, Dist. – Khurda.

... **Petitioner.**

-V e r s u s-

1. Smt. Ranjita Dash, aged about 32 years,
W/o. Chita Ranjan Dash, Vill./P.O. – Mangalajodi,
P.S. – Tangi, Dist. – Khurda.
2. Sri Surjeet Dash, aged about 29 years,
S/o. Braja Kishore Dash.
3. Sri Saumyajit Dash, aged about 23 years,
S/o. Braja Kishore Dash.
Both are residing at Vill./P.O. – Mangalajodi,
P.S. – Tangi, Dist. – Khurda.

... **Opp. Parties.**

Counsel :

For petitioner	--	Shri K. Tripathy & Associates.
For opposite parties	--	Shri A.K. Das & Associates.

Date of Arguments : 05.01.2015.

Date of Order : 17.01.2015.

No.17, Dated 17.01.2015.

O R D E R

This is an application under sections 7 & 8 of the Hindu Guardianship and Wards Act filed by the father (petitioner) on behalf of his minor son Biswajit Dash, seeking permission of this Court to appoint him as the guardian of the said minor son for sale of the property described in the application for the necessity and advantage of the minor.

2. It is averred in the petition that the property, as per the description mentioned in the application, was purchased by the petitioner in the name of his minor son Biswajit and opposite party Nos.2 & 3 jointly vide Registered Sale Deed No.1164 dated 28.11.2005 for a consideration of Rs.62,040/-, the present market value of which is more than Rs.2,00,000/-. The petitioner tried his best to arrange money for the higher education of his minor son, but failed in his attempt. Even the Nationalised Bank, which was approached by the petitioner, did not allow the property to be mortgaged for the purpose of sanctioning loan, as there was no declaration regarding guardianship of the petitioner in respect of his minor son. It is in this context that the petitioner has filed the present application seeking the relief, as aforesaid.

3. The opposite parties have filed objection. Supporting the averments made in the petition, the opposite parties have stated that they have no objection if the prayer

made by the petitioner is allowed.

4. Notice having been issued to the Collector, Khurda, no objection has been received as yet.

5. The petitioner has examined himself as P.W.1 in support of his prayer. On the other hand, one witness, who is none other than opposite party No.2, has been examined from the side of opposite parties. In his evidence-in-chief on affidavit, P.W.1 has reiterated the facts averred in the petition. He has filed the certified copy of R.O.R., Sale Deed, Rent Receipt and the original R.O.R. vide Exts.1 to 4 respectively. In cross-examination, he has stated that his son Biswajit is studying in Class-IX and for his higher education, the case land is required to be mortgaged or otherwise to be disposed of.

6. The evidence-in-chief on affidavit of O.P.W.1 is in the same line with that of P.W.1. He has stated in his cross-examination that they are living in a joint family and the case land is a joint family property. According to him, he, his own brother (opposite party No.3) and cousin brother (Biswajit) intend to mortgage the property in question for the welfare of the family and education of his minor cousin brother Biswajit.

7. It is well settled law that the Court while granting permission has to see that any kind of sale of the property

belonging to a minor, the sale-proceeds thereof must be in the interest, welfare and for the benefit of such minor, which are of paramount consideration. The evidence of P.W.1 reveals that the property jointly recorded in the name of his minor son Biswajit and opposite party Nos.2 & 3 is required to be sold to meet the expenses towards current and higher education of Biswajit. Education is one of the welfares of the minor son. The minor son being one of the recorded owners of the case land, seeking permission as per the prayer appears to be just and proper. The opposite parties have also not raised any objection in the matter. Moreover, notice issued to the Collector, Khurda has also not yielded any response. In such state of affair, I find no impediment in allowing the petition. Hence ordered:

O R D E R

The petition under sections 7 & 8 of the Hindu Guardianship and Wards Act is allowed on contest against the opposite parties. The petitioner, Chita Ranjan Dash, is appointed as guardian of his minor son Biswajit Dash and permission is accorded to him for disposal of the share of Biswajit Dash over the schedule property by way of sale / mortgage with the condition that the money thereof will be used for his future education, including hostel charges, if any,

which is undoubtedly for the interest, welfare and benefit of the said Biswajit Dash. No cost.

The application is accordingly disposed of.

**District Judge, Khurda
at Bhubaneswar.
17.01.2015.**

Dictated & corrected by me.

**District Judge, Khurda
at Bhubaneswar.
17.01.2015.**

List of witnesses examined for petitioner.

P.W.1 -- Chittaranjan Dash.

List of witnesses examined for opposite parties.

O.P.W.1 -- Surjit Dash.

List of documents admitted in evidence for petitioner.

Ext.1 -- Certified copy of R.O.R.,
Ext.2 -- Sale Deed,
Ext.3 -- Rent receipt &
Ext.4. -- R.O.R.

List of documents admitted in evidence for opposite parties.

Nil.

**District Judge, Khurda
at Bhubaneswar.
17.01.2015.**

