

Assam Schedule VII, Form No. 143
High Court Criminal Form No. (M) 106

High Court Form No. (J) 13.
Form of Order sheet.

DISTRICT : SONITPUR

COURT OF **DISTRICT JUDGE, SONITPUR AT TEZPUR**

Misc.(G) Case No. 08 of 2022

Petitioner - Pinki Basak Vs. Opposite party - Smti Adisree Basak.

Sl. No. of Order	Date	<u>order</u>	Signature
	<u>11-11-22</u>	<p>This is an application u/s 8 of the Hindu Minority and Guardianship Act, 1956 praying for appointment of the petitioner as guardian of the minor Smti Adisree Basak in respect of property of the minor specifically described in the schedule of the petition, a parcel of land measuring 10 lessa out of total land measuring 1 katha covered by Dag No. 374 of PP NO. 18 situated at village Bamun chuburi, Mazgaon, Mouza Bhairabpad, PO & PS Tezpur, District Sonitpur(Assam) bounded by North – Road, South – Pattadar, East- Road and West- Road.</p> <p>From the pleadings, it transpires that petitioner Smti Pinki Basak is the wife of Swapan Basak residing at Pukhurpar, Ward No.3, Morioni grant, PO & PS Morioni, Dist. Jorhat (Assam) who is the Hindu female and head of the undivided Hindu family.</p> <p>The petitioner has a minor daughter Smti Adisree Basak, age 7 years residing in the same address. The husband died leaving the petitioner and her minor daughter. During his life time, Swapan Basak purchased one plot of land measuring 1 katha covered by Dag No. 374 of PP NO. 18 situate village Bamun chuburi, Mazgaon, Mouza Bhairabpad, PO & PS Tezpur, District Sonitpur (Assam) bounded by North – Road, South – Pattadar, East- Road and West- Road. However, after his death the name of</p>	

the petitioner Smti Pinki Basak and her minor daughter Adisree Basak has been mutated in the revenue records by right of inheritance and accordingly, the minor daughter became the owner of 10 lessas out of aforesaid 1 katha of land. Since the petitioner being the mother has been looking after the well being of her daughter, for the sake of her safety and security of her future life, the petitioner proposed to dispose the aforesaid 1 katha of land where her minor daughter has share of 10 lessas. So, in view of the above position, petitioner prays to appoint her as guardian of her minor daughter so she can legally dispose the share of property of her minor daughter for her well being.

In support of the contention petitioner has submitted her evidence-on-affidavit enclosing the relevant documents, namely, - the Death Certificate of Swapan Basak marked as Ext. 1, Birth Certificate of Minor Smti Adisree Basak marked as Ext.2, Photo copy of the Sale Deed No. 1697 of 2018 marked as Ext. 3, Copy of Zammabandi of Dag No. 374 PP No. 18 of revenue village Bamun chuburi, Mazgaon, Mouza Bhairabpad, PO & PS Tezpur, District Sonitpur(Assam) marked as Ext. 4, Adhar Card of Adisree Basak marked as Ext. 5, Adhar Card of Pinki Basak marked as Ext. 6 reiterating and corroborating the facts pleaded in the petition.

Having considered the submissions of the learned counsel and on perusal of the pleadings, evidence and accompanying documents as well as the relevant provisions of law, it transpires that under section u/s 8 (2) (a) of the Hindu Minority and Guardianship Act, 1956, the guardian is required to obtain the permission of Court, if the guardian desires to mortgage, transfer, by sale, gift, exchange or otherwise any part of the immovable property of the minor for the benefit of well being of the minor.

Since, in the present case, the petitioner has established the fact that she is the guardian of the minor and also established the fact by adducing credible evidence and documents that minor has a share of immovable property which is desires to dispose by

way of sale for her over all benefit and well being, this Court after due consideration of all the attending facts finds that in respect of the property mentioned in the schedule of the petition, petitioner can well be appointed the guardian of the minor u/s 8 (2) (a) of the Hindu Minority and Guardianship Act, 1956.

Accordingly, petitioner Smti Pinki Basak is appointed as legal guardian of minor Smti Adisree Basak in respect of person and immovable property stands in the name of the minor as clearly mentioned above.

Issue guardianship certificate accordingly.

The petition is accordingly disposed off.

District Judge,
Sonitpur:Tezpur