



CIVIL

The Bombay High Court's Landmark Ruling: Natural Guardians, Joint Family Property Management and the protection of minors' interests

AUTHOR Rahul Sundaram

PUBLISHED 1 March 2025

In a landmark judgment, the Bombay High Court has provided clarity on the rights of natural guardians to manage and sell joint family property on behalf of minor children. The case, *Pooja W/o Ganesh Popalghat vs. The State of Maharashtra* (First Appeal No. 2760 of 2024), highlights the legal complexities surrounding the management of property by guardians and the protection of minors' interests.

Table of contents

- [Background of the Case](#)
- [Rival Contentions](#)
- [Legal Provisions and Case Laws](#)
- [Final Decision and Significance](#)
- [Conclusion](#)

Background of the Case

Pooja Popalghat, a 28-year-old widow, sought permission to sell agricultural land that she and her three minor children jointly owned. The land, located in Salegaon, District Beed, Maharashtra, was originally owned by her husband, who committed suicide. After his death, the property was mutated in the names of Pooja and her children. Pooja, who works in Pune, found it difficult to manage the land and wanted to sell it to fund her children's education and maintenance. However, her application under Section 8 of the Hindu Minority and Guardianship Act, 1956 was denied by the Additional District Judge, Kaij, District Beed, due to discrepancies in the evidence regarding the children's school fees.

Rival Contentions

Pooja argued that as the natural guardian of her minor children, she should not need court permission to sell the property. She contended that the sale proceeds would be used for her children's education and maintenance. On the other hand, the State of Maharashtra, represented by the Additional District Judge, pointed out inconsistencies in the evidence provided by Pooja regarding the schools her children attended. The judge also noted that Pooja had already paid the school fees, questioning the necessity of selling the land.

Legal Provisions and Case Laws

The case hinged on the interpretation of the Hindu Minority and Guardianship Act, 1956. Specifically, Section 8 of the Act outlines the powers of a natural guardian to deal with a minor's immovable property, requiring court permission for certain transactions. However, Sections 6 and 12 of the Act clarify that the undivided interest of a minor in joint family property is excluded from the purview of Section 8. This means that the natural guardian can manage such property without court permission.

The court relied on several landmark judgments to support its decision. In *Sri Narayan Bal and Others vs. Shridhar Sutar and Others* (1996), the Supreme Court had held that Section 8 does not apply to the undivided interest of a minor in joint family property. The court reiterated this view in *Sandhya Rajan Antapurkar and Others vs. State of Maharashtra* (2000) and *Shripati s/o Santu Mane vs. Goroba s/o Nivarti Ghutukade* (2008). These judgments confirmed that the natural guardian's customary powers to deal with joint family property are not restricted by the Act, provided the actions are for legal necessity and the minor's benefit.

Final Decision and Significance

The Bombay High Court allowed Pooja's appeal, setting aside the judgment of the Additional District Judge. The court held that Pooja, as the natural guardian, could manage and sell the joint family property in the interest of the minors and the joint family without needing court permission under Section 8 of the Act. This decision highlights the principle that the natural guardian's customary powers to manage joint family property, including the minor's undivided interest, are not restricted by the Hindu Minority and Guardianship Act, 1956, provided the actions are for legal necessity and the minor's benefit.

Conclusion

The Bombay High Court's ruling in Pooja W/o Ganesh Popalghat vs. The State of Maharashtra provides clarity on the rights of natural guardians to manage and sell joint family property on behalf of minor children. It reaffirms the importance of balancing the guardian's powers with the protection of minors' interests. This judgment serves as a significant precedent, guiding future cases involving similar issues and ensuring that the rights of minors are safeguarded while allowing guardians to act in their best interests.