

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**  
**AND**  
**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

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**C.M.A.No.38 of 2015**

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**JUDGMENT** *(Per Sri M.S.K.Jaiswal, J)*

At the time of hearing the miscellaneous petition, with the consent of both the learned counsel, the main appeal itself is taken up for final disposal.

2. This appeal is directed against the order dated 14.08.2014, passed in G.W.O.P.No.47 of 2013 on the file of XIII Additional District and Sessions Judge, Narasaraopet, Guntur District, where-under and whereby the request of the petitioner, represented by her guardian-father, to alienate a residential plot admeasuring 133.33 square yards, situated within the limits of Purushothamapatnam village, Chilakaluripet, was rejected.

3. The minor girl, by name, Gita Naga Manjusha, aged 14 years, and her parents are present.

4. Learned counsel appearing for the appellant submits that in the present situation, there is no likelihood of there being any escalation in prices and that there is also apprehension of it being encroached by unsocial elements.

5. We have examined the minor girl, who is studying 9<sup>th</sup> Class. The petitioner's father having done a wise investment by purchasing a residential plot in the name of the minor child is now intending to sell away the same as he requires money for education of the child and other day-to-day necessities. In

addition to the said minor child, the couple is also having one more daughter and one son. The said plot is situated within the peripheral of the Municipality and is also within the approved layout of the Municipality. The estimated price that expected is in the range of Rs.1.25 lakhs.

6. Taking into consideration the above facts and circumstances, we are of the opinion that the alienation of the said residential plot at this stage is not advisable and is not in the interest of the minor child as the minor would become major within four years and that as the petitioner being a daughter and the said property stood in her name, alienating the same will not solve any problem and further, no valid ground is shown for disposal of the said plot. Taking into consideration the welfare of the minor child, we are not inclined to grant any relief to the petitioner and the trial Court has rightly rejected the impugned application and we are in agreement with the same.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

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**G. CHANDRAIAH, J**

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**M.S.K.JAISWAL, J**

12<sup>th</sup> March, 2015

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