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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

MISC. PETITION NO. 06 OF 2015

Madhukar S. Sheth HUF ... Petitioners

Vs.

Ms. Saumya Rajiv Sheth & Ors. ...Respondents

Ms. Deepti Panda a/w. Ms. Jyotsana Pandhi
a/w. Ms. Triveni Jani i/b. M/s. Mark & Gandhi & Co.,
for the Petitioners
Ms. Falguni Kapadia & Mr. Rajiv Sheth,
Mr. Rushabh Sheth present in Court.

CORAM : MRS. ROSHAN DALVI, J.

DATED : 1ST OCTOBER, 2015

P.C. :

1. The petitioner is the Karta. He has applied for permission to sell the property belonging to their HUF. The property, inter alia, belongs to 5 minors who are represented by their guardians as respondents. The property is in Mumbai, it is required to be sold for purchasing a property in Ahmadabad for the residence of some of the members of the HUF.

2. The three children of the Karta of the HUF Rajiv Sheth, Rushabh Sheth and Falguni Kapadia have appeared before the Court and have stated that they all agree to the sale of the suit property and also agree to keep the suit property in the

name of the HUF so that all the five respondents who are the minors in the HUF would continue to have their share to the same extent in the newly purchased property. Upon that premise and undertaking the Mumbai property is allowed to be sold. The property to be purchased in Ahmadabad shall be in the name of the HUF. If there is any surplus obtained from the sale of the Mumbai property which is not utilised in the purchase of the property in Ahmadabad, 37.5% of the amount of such surplus, shall be invested in FDR of any of the nationalised bank in the names of the five minor children who are the respondents in the petition.

3. The petition is disposed off accordingly.

(ROSHAN DALVI, J.)

CERTIFICATE

**Certified to be true and correct copy of the original signed
Judgment /order.**