Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 12 OF 2013

Sandeep V. Yalgi …Petitioner

Mr. Kaushik Mhatre, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 7th December 2016

PC:-

1. This Guardianship Petition is brought in somewhat unusual circumstances. The Petitioner, Sandeep is the father and natural guardian of the minor Sanyukta, born on 8th March 2000. The Petitioner's wife (Sanyukta's mother), Sanjana, died intestate on 25th January 2001. During her lifetime, Sanjana purchased a residential flat No. C-101, 1st floor, Rahul Cooperative Housing Society, Kandivli (W) jointly with her own mother and own sister. Sanjana thus had a 1/3rd undivided share, right, title and interest in the Rahul Society flat.

2. There is no dispute that though it was purchased in three names, even the Petitioner and Sanyukta stayed in that very flat. Sanjana made a nomination in respect of her share in that flat in favour of Sanyukta. After Sanjana died, the family decided to sell this Rahul Society flat and it was apparently then agreed that Sanjana's 1/3rd share would come to the minor, Sanyukta.

3. The flat was sold on 15th July 2009. However, it seems that an objection was taken by the society demanding an order of this Court because of the nomination in favour of Sanyukta.

4. In paragraph 14 of the present Petition, the Petitioner, Sanyukta's father, has confirmed that he relinquishes his 1/2 share in his late wife's 1/3rd share in respect of this flat to the minor, Sanyukta. In other words, Sanyukta will succeed to her mother's 1/3rd share, right, title and interest. Sanyukta still is a minor. The Petitioner is his father and natural guardian.

5. I see no impediment to the grant of relief. The Petition is made absolute in terms of prayer clauses (a) and (b).

6. As regards Sanyukta's 1/3rd share in the sale proceeds of the flat, the Petitioner is directed to invest this in some suitable safe investment with a bank or finance company (including if thought fit in a mutual fund or other instrument or Government bond), but not by way of a corporate deposit.

7. The receipt or instrument of that deposit will itself be deposited with the Prothonotary & Senior Master and the minor will be entitled to take back that receipt or instrument upon attaining majority.

(G. S. PATEL, J.)