

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.18 OF 2016**

Ishita W/o. of Late Shri Dipen Rajnikant Bhatt ...Petitioner
And
Master Harsh S/o. Dipen Rajnikant Bhatt ... Minor

Mr. Gauraj Shah, i/b Vimadalal and Company for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 5th August 2016**

PC:-

1. The Petitioner is the mother and natural guardian of a male minor named Harish, who was born on 21st May 1999 and is, therefore, a few month shy of his eighteenth birthday. The Petitioner's husband, Dipen R. Bhatt, the minor's father, died on 10th August 2013. The Petitioner, the minor and Dipen's mother are his only heirs.

2. Dipen's father Rajanikant N. Bhatt died on 1st March 2016. He left a Will dated 13th October 2015. Probate has already been sought. The petition is pending. There appears to be no contest to that application. Affidavits of consent have been filed. Dipen was a pre-deceased son of Rajanikant. One of the assets of Rajanikant's estate is an undivided share in an immovable property at Juhu

situated at Plot No. 19, CTS No. 283 of Village Juhu at Navyug Cooperative Housing Society. Rajanikant's share is valued in excess of Rs. 10 Crores. There are other co-sharers and co-owners of that property. Those other co-owners have negotiated with a developer for a sale of the property for a sum of Rs.56,94,00,000/-. Before that sale could be effected, Rajanikant died. In his Will, Rajanikant left a 12.5% share to the minor, Harsh.

3. Harsh, the minor, is, therefore, entitled to a substantial amount of about Rs.1,27,22,531.25/-, when that sale is effected. The sale is in the interest of the minor and for his benefit. The interest of the Petitioner, his mother, is not adverse to that of the minor. By an order dated 18th April 2016, this Court has permitted the sale of that property. This Petition is necessitated so that the consent of this Court is accorded to the proposed sale and disposition of the minor's share in that property. The Petition states that the purchase price is reasonable. It is on this basis that the reliefs for permitting the sale are sought.

4. The Petition is, therefore, allowed and is made absolute in terms of prayer clauses (a), (b) and (c), which read as follows:

- “(a) That this Hon'ble Court be further pleased to declare that the Petitioner is the natural guardian of minor Harsh Dipen Bhatt;
- (b) That this Hon'ble Court be further pleased to declare that, as the natural guardian of the minor

Harsh Dipen Bhatt, the Petitioner is entitled to effect sale of the undivided right, title, interest and share of the said minor in the immovable property namely Plot No. 19 bearing CTS No. 283 of Village Juhu situated at 3rd Road, JVPD Scheme, Mumbai 400 056

- (c) That this Hon'ble Court be pleased to grant sanction to the Petitioner for effecting the sale and transfer of the share of the said minor Harsh Dipen Bhatt in the aforesaid immovable property in favour of the partnership firm of M/s. Raveshia Realtors and its partners."

5. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)