

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION (L) NO. 115 OF 2016**

Niki Arvind Parekh and Another

... Petitioners

**Mr. Gauraj Shah, with Manish Doshi i/b Vimadalal and Company for
the Petitioners.**

**CORAM: G.S. PATEL, J
DATED: 26th October 2016**

PC:-

1. The Petitioner seeks leave of the Court for the sale of the minors' interest in two residential flats. The Petitioners are the parents of two minor daughters Sachii and Khhyaal about 12 and 8 years respectively today.

2. The Petitioner is also Karta and Manager of his own HUF. Till November 2015, the family of four stayed Orchid Suburbia, Off Link Road, Kandivali (West), Mumbai 400 067. This is a flat that belonged to the 1st Petitioner and his mother. She died on 21st November 2015. The 1st Petitioner's HUF had purchased a residential flat No.3201 on the 32nd Level of a building called Estonia B, Hiranandani Heritage, Poisar Bridge, S.V. Road, Kandivali (West), Mumbai 400 067. In July 2013 that HUF purchased another Flat No.3202 in the same building. The

Petitioners and their minor daughters shifted to these two flats on 24th January 2016. They have not be able to adjust to their new home. They desire to sell it and to come back to their earlier flat. They say they are uneasy in the new home and feel constantly unsettled. The two minors are also unhappy in this new place. The two minor girls are with their parents.

3. The aggregate purchase price of the two flats was Rs. 5 Crores. They are not of equal value but in the aggregate should fetch a price of Rs. 7 Crores. I am satisfied that the interest of the parents are not adverse to those of the minors and the proposed sale or alienation is of the nature of a legal necessity and should be permitted.

4. I will allow the Petition but I do not think that the declaration in prayer clause (a) is at all necessary. The Guardianship Petition is made absolute in terms of prayer clause (b).

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

6. The Registry is directed to number the Petition.

(G. S. PATEL, J.)