

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.34 OF 2015

Smt. Sona Damodar Papani ...Petitioner
And
Master Sanjay Damodar Papani and another. ... Minors

Mr. Sunil R. More, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 22nd September 2016

PC:-

1. The Petition has been amended. It now shows that the Petitioner has an alternative accommodation in Powai.
2. The Petitioner is the mother and natural guardian of two minors, a son named Sanjay who is today 16 years old and a daughter named Aditi who is seven years old. The Petitioner's husband (the minors' father), Damodar, died on 11th October 2009 in Mumbai. A copy of his death certificate is annexed.
3. Damodar was survived by the Petitioner and their two children. These were his only heirs and next-of-kin. The birth certificates of the two minors are also annexed. Damodar was the joint purchaser of Flat No.604 on the 6th Floor of Krishna Vatika

Building No.2, Sai Krishna Vatika Cooperative Housing Society Limited, Shivaji Complex Road No.4, Dahisar (East), Mumbai 400 068. A copy of the share certificate in respect of this flat is annexed to the Petition.

4. The Petitioner desires to sell this property. Evidently, the two minors will have a one-third share each in their father's share in that flat. The original agreement for sale dated 22nd June 2015, (registered on 22nd June 2016) is tendered. This is taken on record and marked "X" for identification. It is also shown in an additional compilation. The total consideration in this agreement is Rs.49 lakhs. Out of this, the share of the minors is Rs.16.33 lacs each. The Petitioner desires to safeguard the financial interest of the minors and also seeks leave to alienate the minors' share in this immovable property. She says this is for the benefit of the minors and for legal necessity.

5. I am also satisfied that the interest of the Petitioner is not adverse to that of the minors.

6. In view of what is stated in the Petition, and upon accepting the undertakings in the Petition as an undertakings to the Court, the Petition is made absolute in terms of prayer clauses (a), (b) and (d), which read thus:

"A) That the notice under Section 11 of the Guardians and Wards Act, 1890 be dispensed with;

- B) That the Petitioner be permitted / allowed to sell / transfer the said property; viz Flat No.604, 6th Floor, Krishna Vatika, Building No.2, Sai Krishna Vatika CHS Ltd. Shivaji Complex, Room No.4, Dahisar (E), Mumbai – 400 068, having 494 Sq.ft. built up area.
- D) That the mother i.e. the Petitioner of the aforesaid minors herein, be appointed as the guardian for the welfare of the aforesaid minors viz. Son Master Sanjay Damodar Papani and Miss (Baby daughter) Aditi Damodar Papani; and the minors' shares to be deposited with the Account Officer, High court, Bombay.”

(G. S. PATEL, J.)