

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

GUARDIANSHIP PETITION NO. 9 OF 2017

(1) Jessica Vishal Thakkar

(2) Ms.Chelsea Vishal Thakkar .. Minors

Vishal Suresh Thakkar & Anr. .. Petitioners

Ms.Pinky Mohanlal Bhansali for petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH APRIL, 2017

P.C.

1 This petition is filed by the biological parents of the minors Jessica Vishal Thakkar born on 5th February 2000 and Ms.Chelsea Vishal Thakkar born on 6th September 2001. The flat being Flat No.003, E-Wing, Ground floor, “Redwoods”, constructed on Sub-Plot 'D' of Vasant Garden Layout, CTS No.29, 29/1 to 29/19 of Village Mulund, Mumbai Suburban District, Mulund (West), Mumbai 400 080 (The said flat) was purchased in the name of petitioner No.2 and the two minors, viz., Jessica and Chelsea. The petitioners state that they wish to sell the said flat which is admeasuring 628 sq.ft. carpet area and use the sale proceeds to buy a bigger apartment. The petitioners state that the differences in price will be paid using financial assistance and repayment of that loan will be made by the petitioners themselves without putting any burden of any nature whatsoever on the

minors. It is also stated that larger accommodation is necessary because the said flat has only two bedrooms whereas a new flat proposed to be acquired will have three bed rooms and since both the minors are growing up, separate rooms will be required. It is also stated that the new flat will be purchased in the name of petitioner no.2 and the two minors in the same proportion in which the said flat is.

2 The petitioners, being the biological parents, I do not find any impediment in granting the relief as sought in prayer clause (a).

3 The petition disposed in terms of prayer clause (a) which reads as under :

“(a) That the Petitioners be granted permission to sell Flat, i.e., Flat No.003, E-Wing, Ground Floor, “Redwoods”, constructed on Sub-Plot 'D' of Vasant Garden Layout, CTS No.29, 29/1 to 29/19 of Village Mulund, Mumbai Suburban District, Mulund (West), Mumbai-400080 including the 2/3rd undivided share of minor daughters Jessica and Chealse on such terms and conditions as this Hon'ble Court may deem fit and appropriate and the Petitioners be further permitted to reinvest the sale proceeds for purchasing new larger Flat by the Petitioners in the co-ownership of each of the minor Jessica and Chealsea to the extent of 1/3rd undivided right, title and interest.”

(K.R. SHRIRAM, J.)