

Sawant expired on 23rd October 1998 leaving behind four children, namely, Shri Ramesh Manik Sawant; Mrs.Shubhangi Subhash Tilve [Nee Asha manik Sawant]-the petitioner herein; Smt. Ashalata Vijay Kumar Kadam [Nee Alka Manik Sawant]; and Late Shri Prashant Manik Sawant (father of the minor) as legal heirs and representatives. Therefore, the three children and the minor who is the son of the deceased son of Manik Bapoo Sawant became entitled to the said premises as legal heirs of the Manik Bapoo Sawant and Sulochana Manik Sawant. It is stated that Shri Ramesh Manik Sawant, Mrs.Shubhangi Subhash Tilve (the petitioner herein), Smt. Ashalata Vijay Kumar Kadam have relinquished their respective shares, right, title and interest in respect of the said premises in favour of the minor Master Kalpesh Prashant Sawant by a Declaration-cum-Release of rights-cum-Indemnity Bond, dated 24th February 2013. A copy of the said document is annexed at Exh.'D' to the petition. By virtue thereof, the minor Master Kalpesh Prashant Sawant has become the owner of the said premises and is lawfully seized, possessed and sufficiently entitled to the said premises. The petitioner states that Developers have approached for redeveloping the building in which the said premises is situated and since the minor cannot execute any document or agreement with the builder or society or get the documents registered, the petitioner is seeking an appointment as the Guardian of the person and the property of the minor. In addition to the said

premises, there are four fixed deposits and one savings account with Bank of Baroda, Shivaji Park Branch, Mumbai-400 016 in the name of the deceased. The petitioner also seeks to be appointed as the Guardian of the person and the property of the minor even to operate bank accounts/fixed deposits in the interest of the minor and in the name of the minor.

3 Having considered the facts and circumstances of the case, I do not find any impediment to grant the reliefs sought in the petition. As regards the amounts which are in the fixed deposits, the petitioner has annexed copies of the receipts to the petition. It is quite clear that all the fixed deposits, which are four in number, have matured by now. Bank of Baroda, Shivaji Park Branch is directed to consolidate all the amounts due and payable under the fixed deposits or any other fixed deposits in the name of the deceased and add to that the amount lying to the credit of the savings bank account and place the entire amount (principal and interest) in a fixed deposit with compoundable interest with itself for a period of five years in the name of the minor-Kalpesh Prashant Sawant, with the petitioner as Guardian. Savings Bank A/c. No.04050100012802 to be closed.

4 So far as the said premises is concerned, if the petitioner wishes to give the premises on leave and licence basis to anybody, the rent generated

from the said premises shall be credited to a savings account to be opened in the name of petitioner after deduction of maintenance charges or society outgoings etc. with respect to the said premises. If at all any agreement is being entered into for redevelopment of the building where the said premises is situated, the agreement shall be entered into by the petitioner but in the name and on behalf of the minor.

5 The petition is accordingly disposed.

(K.R. SHRIRAM, J.)