

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION [L] NO. 85 OF 2017

Mr. Gopal Nair] Petitioner

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Mr. Samudra Sarangi, i/b Veritas Legal.

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CORAM : R.G. KETKAR, J.

DATE : 9th AUGUST, 2017.

P.C.

Heard Mr. Samudra Sarangi, learned Counsel for the petitioner.

2. This Petition is instituted u/s 8 of Hindu Minority and Guardianship Act, 1956 [for short 'Act']. By this Petition, the petitioner has sought permission to sell flats bearing Nos. 701-A and 701-B, totally admeasuring 1025 square feet on the 7th floor in the building named as 'Raval Tower' situated at Sundervan Lane, CTS No. 627/28 to 29 and S. No. 41 (part) of Village Oshiwara, Andheri (W), Bombay 400 053 with 2 car parking [for short "Flat Premises"] wherein the petitioner and Late Mrs. Sapna Gopal Nair were joint owners having 50% share each in the property/flat premises. The petitioner and Late Mrs. Sapna Nair had nominated their daughters Ms. Simeron Nair, aged about 20 years and minor

daughter Ms. Kimaya Nair as their nominees for the flat premises. Ms. Sapana Gopal Nair died intestate on 22nd April, 2010. Subsequent to her demise, her 50% share in the flat premises devolved to her two daughters and each of the daughter became 25% owner of the flat premises.

3. The petitioner was desirous of selling the Flat premises and investing the proceeds in a better residential home for his daughters. After negotiation, the petitioner executed agreement of sale dated 22nd June, 2017 for a total consideration of Rs. 1,60,00,000/-. Agreement for sale was presented for registration before jurisdictional Sub-Registrar when petitioner was informed the requirement of obtaining prior permission of the Court under the Act. The petitioner has, therefore, instituted present Petition seeking permission for selling Flat premises in terms of Section 8 of the Act. It is asserted that the petitioner intends to reinvest the sale proceeds from the sale of the Flat premises to purchase a better residential accommodation for himself and the minor daughter. The sale of the Flat premises is in the benefit of his minor daughter and is being done bearing in mind the best interests and welfare of the minor daughter.

4. The petitioner has also tendered Affidavit of Ms. Simeron Gopal Nair dated 9th August, 2017 consenting for sale of the Flat premises. She has given no objection for the same. Affidavit dated 9th August, 2017 is taken on record and marked 'X' for identification.

5. In view thereof and for the reasons set out in the Petition, Petition is allowed in terms of prayer clause (a) with no order as to costs. All the parties to act upon authenticated copy of this order.

[R.G. KETKAR, J.]