

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.2 OF 2017**

Jagdish Nandlal Rajpopat

....Petitioner...

Mr.Haresh Jethalal Lulia for Petitioners

CORAM : K.R.SHRIRAM,J

DATE : 22nd MARCH,2017

1. This guardianship Petition is filed by the father and natural guardian of Master Kaushal Jagdishbhai Rajpopat who was born on 11.09.2001. The Petitioner is part of one Ashwamegh Association, a registered non-trading corporation. The Association was allotted in Bhavnagar a plot of land on 9th May 2001 on lease. Pursuant thereto the Association distributed the land amongst its members and as per the distribution, the minor become entitled to 378 sq.ft.

2. Bhavnagar Mahanagarpalika granted permission to the Association for construction of a commercial complex consisting ground + 4 alongwith basement and the Association erected a building known as "Jagdish Arcade". The Association allotted office No.303, 3rd Floor, pursuant thereto which the minor Master Kaushal became owner of

the said office premises. He had been issued share certificate by the Association. The Petitioner who is the father and natural guardian of the minor, due to medical and education expenses and general increase in cost of living etc. desires to sell both the premises of the minor and wants to use the sale proceeds for his further education. Therefore, the Petitioner has moved this Court to be appointed as a guardian so that the Petitioner can dispose of the right, title and interest in the office premises No.303. The wife of the Petitioner (Alka Jagdish Rajpopat), who is also the biological mother of the minor has also filed a consent affidavit dated 7th December 2016. Mr.Lulia for the Petitioner states that both the Petitioners as well as the mother of the minor are present in the Court and also identifies them.

3. In view of the facts and circumstances of the case, I see no impediment to grant the relief. The petition is made absolute and accordingly disposed in terms of the prayer clause -(a) and (b) and the same read as under:-

a. this Hon'ble Court be pleased to appoint the Petitioner as Guardian of Minor i.e.Master Kaushal Jagdish Rajpopat and his property without security and charges.

b. this Hon'ble Court be pleased to grant permission to the Petitioner to sell and dispose of right, title and interest in the

Office Premises viz. Office No.303 on 3rd Floor, in the building known as "Jagdish Arcade", Plot No.27 and 28, Near Swaminarayan Gurukul School, Sardar nagar Circle, Bhavnagar both admeasuring 378 sq.fts built up area in the name of Master Kaushal Jagdish Rajpopat on the terms and conditions as this Hon'ble Court may deem fit and proper.

(K. R. SHRIRAM, J)