

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.1 OF 2017

Anil Nandlal Rajpopat

....Petitioner...

.....

Mr.Haresh Jethalal Lulia for Petitioners

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CORAM : K.R.SHRIRAM,J

DATE : 22nd MARCH,2017

1. This guardianship Petition is filed by the father and natural guardian of Miss. Mansi Anil Rajpopat, aged 17 years and Miss. Dinkle Anil Rajpopat aged 16 years. Mansi was born on 19th June 1999 and Dinkle was born on 18th November 2000. 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, both the minors become entitled to 378 sq.ft. each.

2. Bhavnagar Mahanagarpalika granted permission to the Association for construction of a commercial complex consisting ground + 4 floor alongwith basement and the Association erected a building known as "Jagdish Arcade". The Association allotted office No.403, 4th Floor and office No.402 on 4th Floor to the minors Mansi and Dinkle, respectively pursuant to which Mansi and Dinkel, became owners of the said office premises. Both have been issued share certificates by the Association. The Petitioner who is the father and natural guardian of both the minors, due to medical and education expenses, and general increase in cost of living etc. desires to sell both the premises of the minors and wants to use the sale proceeds for their 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.403 and 402 of Mansi and Dinkle respectively. The wife of the Petitioner (Naina Anil Rajpopat), who is also the biological mother of the two minors has also filed a consent affidavit

dated 7th December 2016. Mr.Lulia for the Petitioners states that both the Petitioners as well as the mother of the minors 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. Miss Mansi Anil Rajpopat and Miss Dinkle Anil Rajpopat and their 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.403 and Office No.402 on 4th 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 Miss Mansi Anil Rajpopat and Miss Dinkle Anil Rajpopat respectively on the terms and conditions as this Hon'ble Court may deem fit and proper.

(K. R. SHRIRAM, J)