

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 28 OF 2017

Kashyap Kanaiyalal Mehta being and as Karta and ...Petitioner
Manager of Mehta Kashyap HUF

Mr Dipesh Jain, i/b AV Jain Associates, for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 24th October 2018

PC:-

1. The Petition is filed under Section 8 of the Hindu Minority and Guardianship Act 1956. The Petitioner seeks leave of the Court to sell an immovable property in which his son, a minor, today about 16 years old, has an interest. The property in question is Flat No. 1103/B, of about 665 sq ft carpet area, 11th floor, Kalindi Building, CTS No.495 (Pt), Neelkanth Valley, Raja Wadi, 7th Road, Ghatkopar (East), Mumbai 400 077. It is proposed to be sold to one Amresh A Thakker, Bhavini K Thakker and Indumati K Thakker for an aggregate consideration of Rs.2,80,04,000/-. The flat was purchased by the Petitioner's HUF which comprises of four persons namely, the Petitioner, his wife Rupal, their daughter Sonia and the minor son Saumya. The parties do not reside in this flat. The Petitioner has purchased another flat at 26/27, A Wing, Ahuja Tower, Raja Bhau Desai Marg, Prabhadevi Road, Mumbai 400 025,

where the family lives. The daughter, Sonia is studying overseas in America. The sale of the flat at Ghatkopar is required as a legal necessity to meet the increased educational and other costs of the two children.

2. The interest of the Petitioner is not adverse to that of the minor. The sale is in the minor's interest and out of legal necessity.

3. There is no impediment to the grant of relief. The Petition is made absolute in terms of prayer clause (a).

(G. S. PATEL, J)