

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 30 OF 2017**

Ami Karan Mehta W/o Late Karan Bharat Mehta ...Petitioner
And
Master Nilay Karan Mehta S/o Late Karan Bharat ...Minor
Mehta

Ms Yashashree A Sutrale, for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 27th February 2018

PC:-

1. Pursuant to the order dated 30th January 2018, Harshrekha Bharat Mehta and Vikas Bharat Mehta are both personally present. They confirm the Deed of Settlement dated 24th October 2016 mentioned in paragraph 8 of the Petition. The Petition is under the Guardians & Wards Act in the matter of a male minor, Nilay Karan Mehta who lives at Flat No. 1201, 12th Floor, Blue Bell Tower Coop Housing Society Ltd, Royal Complex, Eksar Road, Borivali (West), Mumbai 400 092.

2. The Petitioner, Ami, is the minor's mother and natural guardian. He was born on 14th February 2004. Ami's husband died intestate on 29th August 2013. He was survived by Ami, Nilay, the minor and his parents as his only legal heirs.

3. On 11th August 2014, Karan's father died and was survived by Harshrekha, his widow; his other son Vikas; and Ami and Nilay.

4. Bharat left a Will and probate was sought of this. It seems that thereafter there were some disputes between Bharat, Harshrekha and Vikas on one side and Ami on the other side regarding some of the properties. Ultimately, these differences were resolved and a Deed of Family Settlement was executed.

5. There are three properties in question. The first is flat No. 1201, 12th Floor, Blue Bell Tower Coop Housing Society Ltd, Royal Complex, Eksar Road, Borivali (West), Mumbai 400 092. The second is Basement No. 3 in the Parekh Market Premises Coop Soc Ltd, Parekh market, 39 JSS Road, Kennedy Bridge, Opera House, Mumbai 400 004 and the third property is Flat No. 401, 4th Floor, Rajshree-I Tower, Royal Complex, Eksar Road, Borivali (West), Mumbai 400 091.

6. Harshrekha, Vikas and Ami have arrived at an understanding or family arrangement that is set out in paragraph 8 of the Petition. The Blue Bell flat is to be relinquished in favour of Nilay. It is agreed that the minor's interest in the Kennedy Bridge godown will be relinquished in favour of Vikas and Harshrekha. As regards the third property, it is agreed that Ami and the minor's interest in this will also be relinquished to Vikas and Harshrekha.

7. To execute the necessary relinquishment deeds and agreement of family settlement, there has to be a permission of this

Court allowing the alienation of the minor's share in the immovable property. Hence, this Petition.

8. Having regard to these circumstances, and being persuaded that the family settlement is in the interest of the minor, and for his future benefit and well being as also legal necessity, I will make the Petition absolute in terms of prayer clauses (a), (b) and (c), which read thus:

"(a) That the Notice under Section 11 of the Guardians and Ward Act, 1890 be dispensed with;

(b) That the Petitioner be allowed to release and relinquish the said Second and Third Properties being Basement No. 3, admeasuring 36.75 sq. mtrs built up area, Parekh Market Premises Cooperative Society Limited, Parekh Market, 39, JSS Road, Kennedy Bridge, Opera House, Mumbai 400 004 and Flat No. 401, 4th Floor, admeasuring 1,100 sq feet Rajshree-I Tower, Royal Complex, Eksar Road, Borivali (West), Mumbai 400 091 respectively in favour of Mr Vikas Bharat Mehta and Mrs Harshrekha Bharat Mehta;

(c) That the Petitioner i.e. the Mother of the aforesaid Minor Master Nilay Karan Mehta be appointed as the Guardian for the welfare of the said Minor Master Nilay Karan Mehta;"

9. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)