

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

MISC. PETITION NO.1 OF 2018

Meenakshi Suhas Keny)....Petitioner

Ms.Asha Nair I/by Diamondwala and Co. for petitioner.

CORAM : K.R.SHRIRAM,J

DATE : 6.3.2019

P.C.:-

1. Heard the counsel for petitioner and also considered the affidavit in support. Petitioner is the mother of Divya Suhas Keny aged about 10 years. Petitioner's husband late Suhas Keny was part of a large family which had interest in piece and parcel of land bearing F.P.No.775, admeasuring 188.96 sq.mts Mahim Division, situated at Mori Road, Mahim, Mumbai-400 016. The minor is entitled to 1/72 shares in the said property. Along with minor, petitioner also is entitled to as stated in the petition. It is stated that the said property has been declared as slum and there is some developer who has come forward to develop the property and to give in lieu of the property to petitioner and other family members together 1500 sq. ft. carpet in the building proposed to be constructed. Petitioner and the minor Divya will be entitled to 1/72 share each in the said 1500 sq. ft. carpet area.

It is stated that property is not fetching any income in the form of rent or otherwise as it is encroached. Property is also being declared as slum and cannot be developed unless existing slum dwellers are provided permanent alternate accommodation.

2. Petitioner is seeking permission to grant development rights to petitioner with respect to 1/72 shares of the said minor as the mother and natural guardian of the minor.

3. In the circumstances, I am inclined to allow the petition in terms of prayer clauses-(a) and (b) which read as under :-

“(a) That the petitioner may be appointed as guardian of the minor Miss Divya Suhas Keny for the purpose of grant of development rights in 1/72 share of the minor in the property more particularly described in the Schedule Exhibit `F' hereto and convey and/or transfer the said property in terms of the Development Agreement being Exhibit `E' hereto ;

(b) that the petitioner as such guardian may be authorized on behalf of the minor to sign and execute the Development Agreement for granting development rights in respect of the said property in favour of the Developer, Bhoomi Habitat and to convey and/or transfer the said property in terms of the said Development Agreement and to admit execution thereof before Sub-Registrar and to do all such act and deeds, matter and things necessary for granting development rights title and interest of the minor Miss Divys Suhas Keny in favour of the said Developer.”

4. Petition accordingly disposed.

(K.R.SHRIRAM,J)