

psv

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

MISCELLANEOUS PETITION NO.9 OF 2019

Mr.Suhas Narhar Yewale

..Petitioner

Mr.Rohit Gulati for Petitioner.

CORAM : G.S. KULKARNI, J.

DATE : 27th FEBRUARY, 2020

P.C.:

This is a petition under Section 8(2) of the Hindu Minority and Guardianship Act, 1956 (for short, “the said Act”).

2. The petitioner Mr.Suhas Narhar Yewale states that he is the Karta of the Hindu Undivided Family of which the other members are his wife Mrs.Sarita Suhas Yewale and his two sons namely Mr.Parimal Suhas Yewale, age 21 years and Master Sasmit Suhas Yewale, age 17 years.

3. The petition has been filed seeking permission of this Court under Section 8 of the said Act for sale of one HUF property which is Shop/Unit bearing No.70, having carpet area of 293 square feet being on the Upper Ground floor of the shopping mall namely “Dreams-The Mall” on the land bearing C.T.S. Nos.642, 642/1 to 642/29 and 654 of Village Kanjur and C.T.S. No.426 of Village Bhandup, Taluka Kurla in the Registration District and Sub-District of Mumbai City and Mumbai Suburban.

4. There is further affidavit filed by the petitioner dated 18 February

2020 in which the petitioner has now specified that minor Sasmit has 1/4th undivided shares in respect of the said premises. In paragraph 4 of the said affidavit, it is also stated that the sale proceeds would be utilized for the further education of minor Sasmit.

5. Further in paragraph 13(B) of the petition, the petitioner has averred that it is necessary to sell the said premises and this would also be for the welfare and benefit of the minor. It is stated that the petitioner intends to utilize the sale proceeds for the further education of the minor and his elder brother who is also one of the coparceners in the Hindu Undivided Family. It is also averred that there is no conflict of interest between the petitioner and the minor and hence the petitioner be permitted to manage the minor's shares in the sale proceeds for the interest of minor Sasmit. The agreement for sale is dated 4 June 2019 (which is not a conveyance) by which the petitioner intends to sell the said premises to Mr.Vijay Yashwant Dhanawade. This agreement is also placed on record. Under this agreement, the parties have agreed for sale of the premises in favour of the said purchaser at the amount of Rs.42 Lakhs.

6. In the above circumstances, it will be appropriate that the prayers as made by the petitioner in this petition to be appointed as a guardian in regard to the minor's shares and for permission to sell the premises as per requirement of Section 8 (2) of the said Act ought to be granted. Accordingly, the following order:-

ORDER

- i. Issuance of notice under Section 11 of Guardian Ward Act 1890 is dispensed with.
- ii. The petitioner-Mr.Suhas Narhar Yewale, Karta of Hindu Undivided Family is permitted to sell Shop/Unit bearing No.70, having carpet area of 293 square feet being on the Upper Ground floor of "Dreams-The

Mall” on the land bearing C.T.S. Nos.642, 642/1 to 642/29 and 654 of Village Kanjur and C.T.S. No.426 of Village Bhandup, Bhandup, Mumbai including the 1/4th share of minor Sasmit.

iii. The petitioner is directed to maintain the 1/4th share in the sale proceeds for the benefits of minor Sasmit. The same be kept in Fixed Deposit in a nationalized bank which shall be maintained till he attains the age of majority.

iv. Petition is disposed of in the above terms. No costs.

v. List the petition after four weeks for compliance.

vi. Parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]

Prajakta
S.
Vartak

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