

Petitioner (widow), daughter Darshana Arunbhai Jani (now after marriage Dharshana Rakeshkumar Dave), son Krunalkumar Arunbhai Jani (age 21 years) and minor son Yash Arunbhai Jani (born on 27 August 2004).

3. It is the petitioner's case that daughter Darshana has executed a registered deed of release dated 16 March 2017 as set out in paragraph 4, whereby, she has relinquished her undivided share and right, title and interest in the said Flat in favour of the Petitioner. Son Krunalkumar Arunbhai Jani has also executed a similar release deed in favour of the Petitioner.

4. According to the petitioner, by virtue of these release deeds the petitioner alongwith the minor has become entitled to undivided 50% share in the said Flat as the balance 50% share is held by another person - a joint owner by Mr. Ramashankar Karunshankar Dave. The case of the petitioner is that the area of the Flat is small, and therefore, the flat cannot be partitioned by metes and bounds. She says that as the balance 50% share is held by another person a joint owner by Mr. Ramashankar Karunshankar Dave and hence the Flat is required to be sold alongwith the joint owner Mr. Ramashankar Karunshankar Dave as set out in the paragraph 5 of the petition that she is in financial requirement for the purpose of education of the minor. Hence it is a necessity and in the

interest of minor that in these circumstances that the Flat, is sold, so that the amount can be utilized for the benefit of the minor.

5. Having heard learned Counsel for the petitioner and having perused the averments as made in the petition, in my opinion, in the above circumstances, it would be appropriate to grant the petition as prayed for. Accordingly, the following order:

ORDER

- (i). Notice under Section 11 of the Guardians and Wards Act, 1890 is dispensed with.
- (ii). The petitioner is appointed as the Guardian in regard to the interest of minor Yash in respect of the undivided share in immovable property, namely Flat No.B/004, Adms.337 Sq. Ft. build up area, Ground Floor, Radhakrishna Co-operative Housing Society Limited, Behind Dahisar Police Station, S.V. Road, Dahisar (East), Mumbai – 400 068.
- (iii). The petitioner is accordingly authorized to sign the register deed, agreement for sale.
- (iv). The amounts which would be received from sale of the said property and which would come to the share of the minor be entitled for the

benefit of the minor, to be kept in a fixed deposit to be drawn in the name of the minor under guardianship of the petitioner which be maintained till the minor Yash attains majority (which would be in or about two years from now).

6. The Petition is accordingly disposed of in the above terms. No costs.

(G.S. KULKARNI, J.)