

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

MISCELLANEOUS PETITION NO. 10 OF 2021

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Avinash Tantia

.. Petitioner

In the matter of

Miss Siya Avinash Tantia

.. Minor

And

Avinash Tantia

.. Petitioner.

Mrs. J.M.D'silva and Mr. Vinay S. Bandiwdekar for the Petitioner.

CORAM : A. K. MENON, J.

DATED : 29TH NOVEMBER, 2021.

P.C. :

1. By this petition, the petitioner seeks his appointment as guardian to look after the interest of the minor daughter and in relation to property forming subject matter of the Deed of Conveyance dated 28th December, 2012, copy of which, is at Exhibit B.

2. The petitioner is the father of the minor who stated to be 15 years of age, as on date of filing of the petition and as a beneficial owner of the property described in the Deed of Conveyance. The property is stated to have been purchased in the name of the minor out of the petitioner's self-earned funds and was invested in the name of the minor. Today, it

is pointed out that upon appointment as guardian for the purpose of administering the interest of the minor, it is intended to sell the property since its value has now increased.

3. The purchasers had appeared in Court on 5th October, 2021 and have confirmed their intention to purchase the property. The purchasers have deposited a sum of Rs.46,41,000/- in Court. The value disclosed in the agreement for sale being less than that in the valuation report, the difference being a sum of Rs.10,49,800/-, has been separately deposited by the petitioner with the Prothonotary and Senior Master. Thus, in all, a sum of Rs.46,41,000/- and Rs.10,49,800/- have been deposited. Ms. D'silva has presented today copies of the acknowledgment for pay orders in favour of the Prothonotary and Senior Master. The order dated 5th October, 2021 having been complied with, it is submitted that the petition may be allowed and the interest of the minor be secured.

4. Having heard learned Counsel for the petitioner and having perused the record and subject to compliance as aforesaid vide order dated 5th October, 2021, I am of the view that the petition is liable to be allowed. Accordingly, I pass the following order;

- (i) Petition is made absolute in terms of prayer clause (a) to the extent it concerns the property forming subject matter of Deed of

Conveyance dated 28th December, 2012 – Exhibit B to the petition.

(ii) Petition is allowed in terms of prayer clause (b) as well. The petitioner is permitted to sell the subject property to the purchasers Shweta Paresh Sampat and Pooja Paresh Sampat.

(iii) The amounts deposited shall be transferred to the Accounts Officer, who shall collectively invest the same in a Fixed Deposit of a nationalised bank, initially for a period of one year, to be renewed for further periods of one year. Liberty is given to the minor upon attaining major, to apply.

(iv) Petition is disposed of in the above terms.

(A. K. MENON, J.)