

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 2027 OF 2023
IN
WRIT PETITION NO. 5297 OF 2022**

Amjad Ahmed Shaikh	...Applicant
<i>In the matter between</i>	
Amjad Ahmed Shaikh	...Petitioner
<i>Versus</i>	
State of Maharashtra through Ministry of Health and Family Welfare & Ors	...Respondents
And	
Pankaj Prabhudas Kalyani & Anr	...Prospective Purchasers

Mr Mehul A Shah, for the Applicant.
Mrs Jyoti Chavan, AGP, for the Respondent-State.
Mr Satya M Shettigar, for the Prospective Purchasers.

**CORAM G. S. Patel &
 Neela Gokhale, JJ.**
DATED: 24th July 2023

PC:-

1. By an order of 29th March 2023, we appointed the Petitioner as the legal guardian of his mother Shenaz Ahmed Shaikh, the 2nd Respondent. She has various physical and mental health issues.

2. But while making that order, we specifically said that no immovable property that stood in the name of the 2nd Respondent could be separately transacted without prior leave of the Court and that an Interim Application would be required for this purpose.

3. The 2nd Petitioner has a 1/16th share in a property described in the prayer at 2nd Hasnabad Lane, Santacruz (West), Mumbai 400 054, Old Survey No. 91, Plot No. 4 of Bandra and Old Survey No. 60-A, Plot No. 4 of Danda, CTS No. H/517 of Village Bandra-H, together with some structures on it. The remaining shares in the property are owned by the 2nd Respondent's siblings. All the owners now propose to sell this property to the prospective purchasers joined at Sr. Nos. 1 and 2 to the Interim Application. The other family members of the 2nd Respondent have consented and have no objection to the disposal of the 2nd Respondent's 1/16th share in this fashion. A draft conveyance deed is annexed at page 28.

4. Accordingly, the Interim Application is made absolute in terms of prayer clause (a) which is reproduced below:

“(a) That this Hon’ble Court be pleased to grant leave to the Applicant to sell, transfer and convey, 1/16th i.e. 6.25% undivided share, right, title and interest of Respondent No. 2 in all that piece or parcel lands, hereditaments and premises situate at 2nd Hasnabad Lane, Santacruz (West), Mumbai 400 054, bearing Old Survey No. 91, Plot No. 4 of Bandra and Old Survey No. 60-A, Plot No. 4 of Danda, making together Non-Agricultural Survey No. 533-A of Bandra, bearing CTS No. H/517 of Village Bandra-H, within the Registration Sub-district of Bandra, District Mumbai Suburban, within Greater Mumbai, admeasuring

830.30 square meters or thereabouts together with two closed garages and gardener shed standing thereon assessed by the Assessor & Collector Municipal Rates & Taxes under in “H” Ward No. 3841 (1) Street No. 4 and 3841 (2) Street No. 4-A under Account Nos. HW1402830050000 (with respect to building/chawl), HW1402830130000 (with respect to garages) and HW1402840010000 (with respect to gardener shed), in favour of the Prospective Purchasers;”

5. We clarify that this permission is limited to this particular property.
6. The Interim Application is disposed of in these terms.

(Neela Gokhale, J)

(G. S. Patel, J)

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