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

INTERIM APPLICATION NO. 604 OF 2024
IN
WRIT PETITION NO. 5297 OF 2022

Amjad Ahmed Shaikh

.. Applicant/Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Adv. Mehul Shah for the Applicant/Petitioner.

*Ms. Jyoti Chavan, Addl.G.P. a/w Akshay Patkar, AGP for the
Respondent No.1.*

Mr. Satyakumar Shettigar for Purchaser.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: AUGUST 14, 2024

P. C.

1. The above Interim Application is filed to grant leave to the Applicant in his capacity as a guardian of Respondent No.2 to execute and register on her behalf, the Deed of Confirmation and all other ancillary documents, confirming the said Deed of Conveyance dated 1st January, 2016 in favour of the Purchaser. The said Deed of Conveyance is in respect of the

piece and parcel of land situate lying and being at Village Versova, Taluka Andheri, District Mumbai Suburban in Registration Sub District of Mumbai City and Mumbai Suburban admeasuring 595 sq.mtrs or thereabouts and bearing Plot No. 17, Survey No. 30, N.A. Plot No.7 and bearing City Survey No. 1125/12 of Village Versova together with a building standing thereon known as ‘Zaib Palace’.

2. The Applicant herein had filed the above Writ Petition seeking to be appointed as the legal guardian of his mother Shenaz Ahmed Shaikh, and who is the 2nd Respondent. He sought this relief on the basis that the said Shenaz Shaikh suffers from chronic paranoid schizophrenia with diabetes. She unable to attend to her daily affairs and cannot take decisions in regard to her properties. The above Writ Petition was disposed by this Court by its order dated 29th March, 2023. By the said order, this Court *inter-alia* appointed and declared the Applicant herein as the guardian of the 2nd Respondent. In the said order, the Court also directed that no movable or immoveable property is to be separately transacted if that property is standing in the name of the 2nd Respondent, without the prior leave of this Court. A separate Interim Application was permitted to be filed in the disposed of Petition for that very purpose. It is in light of this direction

passed in the order dated 29th March, 2023 that has constrained the Applicant to file the above Interim Application. 3.

3. Having gone through the above Interim Application and the averments made therein and having heard the learned Counsel appearing for the Applicant, the learned AGP appearing for the State of Maharashtra, and the learned Advocate appearing for the Purchaser, we are satisfied that permission can be granted to the Applicant, in his capacity, as a guardian of Respondent No.2, to execute and register on her behalf, the Deed of Confirmation and all ancillary documents and confirm the said Deed of Conveyance dated 1st January, 2016 in favour of the Purchaser.

4. The Interim Application is accordingly allowed in terms of prayer clause (a) which reads thus:

“(a) That this Hon’ble Court be pleased to grant leave to the Applicant in his capacity as guardian of Respondent No.2, to execute and register on her behalf, the Deed of Confirmation and all other ancillary documents, confirming the said Deed of Conveyance dated 1.1.2016, in favour of the Purchaser, in respect of all that piece and parcel of land or ground situate lying and being at Village Versova, Taluka Andheri, District Mumbai Suburban in Registration Sub District of Mumbai City and Mumbai

Suburban containing by admeasurement 595 sq.mtrs or thereabouts and bearing Plot No. 17, Survey No. 30, N.A. Plot No.7 and bearing City Survey No. 1125/12 of Village Versova together with a building standing thereon known as 'Zaib Palace'.

5. We clarify that the Applicant is allowed to execute the Deed of Confirmation only as the legal guardian of the 2nd Respondent, and if any other Respondents have a share in the property which forms the subject matter of the Deed of Confirmation and/or Deed of Conveyance dated 1st January, 2016, the same shall be executed by those respective parties independently.

6. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]