

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

GUARDIANSHIP PETITION NO.2 OF 2025

BHAVINI BHAVESH SEJPAL

)...PETITIONER

Mr.Rubin Vakil, Mr.Manish Doshi, Ms.Isha Thakur and Ms.Gunjan D.
i/by Vimadalal & Co., Advocate for the Petitioner.

CORAM : ABHAY AHUJA, J.

DATE : 23rd JANUARY 2025

PC. :

1. This Guardianship Petition has been filed under Sections 6, 8, 12 and 13 of the Hindu Minority and Guardianship Act, 1956, seeking permission of this Court to sell the flat bearing no.503 on 5th Floor of the F Wing of the building known as Dheeraj Presidency, belonging to Dheeraj Presidency Co-operative Housing Society Limited along with stilt parking space no.F-8 in the compound of the said building together with (5) fully paid up shares bearing distinctive nos.971 to 975 under Share Certificate No.195 dated 27th February 2004 situated at M.G.Road, Kandivali (West), Mumbai 400 067 (the “said flat”) to prospective buyers for price not less than Rs.1,11,00,000/-.

2. Mr.Vakil, learned Counsel appearing for the Petitioner, submits that the Petitioner is the mother and natural guardian of Vansh Bhavesh Sejpal, who holds 33.34% undivided share in the said flat after his father's death on 20th January 2024, who died intestate. That, pursuant to Section 8 of the Hindu Minority and Guardianship Act, 1956, the Petitioner being the mother of Vansh, is the natural guardian, however, without the permission of the Court the natural guardian is not permitted to sell immovable property of the minor and that, therefore, this Petition has been filed seeking permission to do so. Mr.Vakil has submitted that the stipulation that the property should not be sold for less than Rs.1,11,00,000/- is because the welfare of the minor is of paramount consideration and the sale proceeds would be used for the benefit of the minor including his education and overall welfare and well being.

3. Mr.Vakil has submitted that earlier the grandmother of the minor and the father each held 50% share in the said flat. However after the death of the father, the 50% share of the deceased father who died intestate, pursuant to the provisions of the Hindu Succession Act, 1956 devolved on the grandmother, the mother of the minor and the minor in equal proportions viz. each of them got 16.66%. That, the

grandmother gifted her 16.66% to Vansh by Deed of Release dated 24th April 2024 and therefore Vansh became 33.34% holder of the undivided share in the said flat. That, the mother held 16.66%. Mr.Vakil would submit that since the said flat is required to be sold in order to provide for the family as also for Vansh's Welfare, as the Petitioner's husband has passed away, this Petition has been filed.

4. Upon a query from this Court in view of Section 8(6) of the Hindu Minority and Guardianship Act, 1956, as to whether this Petition could be filed before the City Civil Court as the subject property would also fall within the local limits of the jurisdiction of a City Civil Court, Mr.Vakil seeks some time to take instructions and clarify the position, however, submitting that under Section 4(4) of the Guardian and Wards Act, 1890, District Court would also include a High Court in exercise of its ordinary original civil jurisdiction.

5. Be that as it may, let Mr.Vakil clarify the position as to the jurisdiction of this Court to entertain the present Petition after which this Court will consider the above submissions in Petition.

6. List on **6th February 2025**.

(ABHAY AHUJA, J.)