

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 25 OF 2025

Pooja Bhupinder Chugh

.. Petitioner

Versus

Samarth Ankit Chugh & Sidak Ankit
Chugh (minors)& Ors.

.. Respondents

Adv. Eden Ribeiro a/w Adv. Yogesh C. Naidu, for the Petitioner.
None for Respondents.

CORAM: FIRDOOSH P. POONIWALLA, J.

DATE: DECEMBER 23, 2025

P. C.

1. This Guardianship Petition has been filed seeking the following reliefs :

“a. This Hon'ble Court exercise powers vested in it u/s 7 (1) (a) & (b) of the Guardians and Wards Act, 1890 and order & declare that the Petitioner (Mrs. Pooja Chugh) is appointed as guardian of the undivided interest (being 16.67%) held by Master Samarth Ankit Chugh in the Immovable Property more specifically described in Exhibit-F hereto;

b. This Hon'ble Court exercise powers vested in it u/s 7 (1) (a) & (b) of the Guardians and Wards Act, 1890 and order & declare that the Petitioner (Mrs. Pooja Chugh) is appointed as guardian of the undivided interest (being 16.67%) held by Master Sidak Ankit Chugh in the Immovable Property more specifically described in Exhibit-F hereto;

c. This Hon'ble Court exercise powers vested in it u/s 29 of the Guardians and Wards Act, 1890 and grant permission to the Petitioner (Mrs. Pooja Chugh) as such guardian, to sell and effect consequential transfer of the undivided interest (being 16.67%) held by Master Samarth Ankit Chugh in the Immovable Property more specifically described in Exhibit-F hereto;

d. This Hon'ble Court exercise powers vested in it u/s 29 of the Guardians and Wards Act, 1890 and grant permission

to the Petitioner (Mrs. Pooja Chugh) as such guardian, to sell and effect consequential transfer of the undivided interest (being 16.67%) held by Master Sidak Ankit Chugh in the Immovable Property more specifically described in Exhibit-F hereto;

e. This Hon'ble Court exercise powers vested in it u/s 43 (1) of the Guardians and Wards Act, 1890 and grant permission to the Petitioner (Mrs. Pooja Chugh) as such guardian, to deploy of the monies received from sale of the Immovable Property and more particularly pertaining to Master Samarth Ankit Chugh's 16.67% undivided interest in the Immovable Property at Exhibit-F.

f. This Hon'ble Court exercise powers vested in it u/s 43 (1) of the Guardians and Wards Act, 1890 and grant permission to the Petitioner (Mrs. Pooja Chugh) as such guardian, to deploy of the monies received from sale of the Immovable Property and more particularly pertaining to Master Sidak Ankit Chugh's 16.67% undivided interest in the Immovable Property at Exhibit-F;

g. Exhibit-F form part of the Order;”

2. The Petitioner is the grandmother of the minors Samarth Ankit Chugh (hereinafter referred to as ‘Samarth’) and Sidak Ankit Chugh (hereinafter referred to as ‘Sidak’) The parents of the minors, namely Mr. Ankit Bupendra Chugh and Mrs. Sunjana Ankit Chugh passed away on 23rd December, 2018 in an accident. By an Order dated 16th August, 2019 passed by this Court, the Petitioner, as the grandmother, has already been appointed as the guardian of the person of Samarth and Sidak.

3. On 16th September, 2009, Mr. Ankit Bupinder Chugh (since deceased) and Mrs. Pooja Bhupinder Chugh (the Petitioner) had jointly purchased a residential flat bearing no. 402, on the 4th floor of the building known as “Kripa Garden”, then being constructed on Plot no. 25 & 26, Sector

27, off. Kharghar node of Navi Mumbai - 401210 as joint owners vide Agreement for sale dated 16th September, 2009, which was duly registered. The Petitioner and her son, Mr. Ankit Chugh had paid the consideration jointly. Thereafter, the Petitioner and her son took possession of the said flat on the occupation certificate being granted. The Petitioner and her son have joined with the other flat purchasers in the building “Kripa Garden” and organized themselves into Kripa Garden Co-operative Housing Society Ltd. The Petitioner and her son Mr. Ankit Bhupinder Chugh were issued 10 Equity Shares in the Kripa Garden Co-operative Housing Society Ltd, bearing distinctive nos. 71 to 80 (*both inclusive*), issued vide Share Certificate No.8.

4. Thus, the Petitioner and her son were the joint owners of the shares of the Kripa Garden Society alongwith the right to hold, own, occupy, possess and deal with the subject Premises i.e., flat no. 402.

5. However, on 23rd December, 2018, Mr. Aniket Chugh and his wife Mrs. Sunjana Chugh died in a motor vehicle accident. Upon the demise of Ankit Bhupinder Chugh, his 50% undivided share in the said flat devolved as follows 1/3rd unto the Petitioner,. 1/3rd unto Samarth and 1/3rd unto Sidak, under Section 8 of the Hindu Succession Act, 1956.

6. Thus, as on date, the Petitioner holds 66.7% share in the property and Samarth and Sidak holds 16.67 % shares each in the property.

7. The petitioner is of advanced age and does not have sufficient monthly income to provide the needs of Samarth and Sidak and her own

increasing requirements. The Petitioner's source of income consists of interest and dividends from modest long-term investments, which are inadequate to sustain the educational, medical, and daily living expenses of Samarth and Sidak and her own healthcare and daily sustenance. Samarth and Sidak needs include academic expenses, expenses for co-curricular and extra-curricular activities, health insurance premiums, Public Provident Fund contributions and day to day living costs essential to their upbringing and welfare.

8. It is in these circumstances that the Petitioner is seeking the reliefs sought in the present Petition of selling the said flat to enable her to garner the capital value of the subject premises so that she can deploy the children's portion by appropriate investments.

9. I have perused the Petition and heard the learned counsel for the Petitioner. From the contents of the Petition, it is clear that the sale of the said flat is necessary for incurring the expenses of the minors and for protecting the interest of the minors. The same would also be for the benefit of the minors Samarth and Sidak.

10. In these circumstances, the Petition is allowed in terms of prayers (a) to (g), which are already set out herein above.

[FIRDOSH P. POONTWALLA, J.]