

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

INTERIM APPLICATION NO.665 OF 2025
IN
GUARDIANSHIP PETITION NO.4 OF 2021

Pankaj Kantilal Solanki

...Petitioner

V/s.

Vimla Popatlal Jain & Ors.

...Respondents

Mr. Yashpal Jain with Ms. Jahnavi Vora i/b Mr. Yashpal Jain for
Petitioner/Applicant.

CORAM : ABHAY AHUJA, J.
DATE : 27th MARCH 2025

PC. :

1. This Petition seeks permission of this Court to dispose of 50% share of the deceased mother of the two minor girls named Kumari Heer Ketan Jain and Kumari Tiya Ketan Jain, aged 15 years and 13 years respectively in flat No. 112, B wing, Shankheshwar Darshan Co-op. Housing Society, Sheth Motisha Lane, Mazgaon, Mumbai-400 010.

2. Mr. Jain, learned Counsel appearing for the Applicant submits that earlier on 15th November, 2021, the Applicant was appointed as guardian of the persons and property of the two minors. That the said flat is jointly owned by the father of the deceased mother of the minor children as well as the deceased in a 50:50 proportion. That the father

of the deceased mother of the minor children is 73 years old and has medical requirements and is therefore, desirous of disposing of his 50% undivided share in the said flat. That for the balance 50%, Mr. Jain submits that the guardian viz. the Applicant is holding the share of the minors which has come to them as their mother has passed away.

3. It is submitted that the prospective buyer has approached the father of the deceased mother viz. Shri Kantilal Santokchand Jain to purchase the flat for Rs.50 lacs, which the Applicant and the said Shri Kantilal Santokchand Jain consider to be fair market value of the said flat, which is admeasuring 250 sq. ft.

4. Mr. Jain submits that the 50% amount that would be received from the sale of the said flat would be deposited with the Prothonotary & Senior Master of this Court to be invested in a fixed deposit of a nationalised bank in equal proportions in the individual names of the said minor children and that the said amount would be released to the two children on their attaining the age of majority.

5. Mr. Jain submits that sale is therefore for the necessity and for the welfare of the children and that this Court may grant permission to sell the 50% to the proposed purchaser.

6. After having heard Mr. Jain and also having perused the Petition, it is observed that there is no information in the Petition with respect to 50% share in the said flat standing in the name of the said minor children and right now in the guardianship of the Applicant.

7. Mr. Jain submits that some time be given to furnish the said details along with supporting documents.

8. Further, although there is a prayer in the Petition that 50% of the amount that would be received from the sale of the said flat would be deposited with the Prothonotary & Senior Master, there is no valuation of the market value of the said flat.

9. Also the petition proceeds on the urgency of the father of the deceased mother to sell the said flat considering his age and medical requirement, which are not to be ignored but in an Application filed for seeking permission to dispose of the minors' share in the aid flat, the welfare of the minors has to be looked in *albeit* an order to deposit of 50% of the proceeds with the Prothonotary & Senior Master to be invested in the benefit of the minors has been sought.

10. Accordingly, I am of the view that M/s Shetgiri & Associates be appointed to value the said flat no. 112, B wing, Shankheshwar Darshan Co-op. Housing Society, Sheth Motisha Lane, Mazgaon, Mumbai-400 010. The details of M/s Shetgiri & Associates are as under:-

Name :M/s Shetgiri & Associates,
Address : Safalya, S. K. Bole Road, Dadar, Mumbai-400028.
Phone : 24224014/24223900

11. Let M/s Shetgiri & Associates furnish their report preferably within a period of three weeks.

12. The Applicant to defray the costs, expenses and charges of M/s Shetgiri & Associates.

13. Let the Applicant also furnish information Petition with respect to 50% share in the said flat standing in the name of the said minor children and right now in the guardianship of the Applicant along with supporting documents.

14. List on **17th April, 2025**. Liberty to apply.

(ABHAY AHUJA, J.)