

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 22 OF 2025

Vidhya Sreejit

... Petitioner

Mr. Aditya Shinde i/b Meraki Legal for Petitioner.

CORAM : FARHAN P. DUBASH, J.

DATE : 17th JANUARY 2026

ORDER:

1. The present Guardianship Petition has been filed seeking the appointment of the Petitioner, Mrs. Vidhya Sreejit, widow of Late Mr. Sreejit Sreedharan (**Deceased**), as the guardian of her minor daughter, Ms. Nyra Sreejit (**Ward**), and to enable her to look after and manage the Ward's movable and immovable properties. In addition, the Petitioner has sought permission to release, deal with, and manage the share of Ward on her behalf in certain immovable properties forming part of the estate of the Deceased, who is the father of the Ward.

2. The Petitioner was married to the Deceased in accordance with Hindu rites and customs on 2nd April 2017, with the marriage subsequently registered on 21st December 2017, and out of the said wedlock, the Ward was born on 21st July 2020, who is presently residing with the Petitioner.

3. It is stated that the Deceased passed away intestate on 2nd July 2021 at Delhi, leaving behind his mother, Mrs Sushama Sreedharan (**mother of the Deceased**), the Petitioner and the Ward as his only Class I legal heirs as per the Hindu Succession Act, 1956.

4. It is stated that the Deceased has left behind certain immovable and movable assets. Therefore, at this juncture, a detailed description of the immovable properties along with the respective shares of each Class I legal heir is necessary for the disposal of the present Petition:

- A(i) **(The Astoria Co-operative Housing Society Ltd Property)** - Flat No. 202, C wing, Deshmukh Residency, Ashokvan, Shiv Vallabh Road, Near Hanuman Tekdi, Borivali East, Mumbai - 400066;
- A(ii) **(Sonal Apartments Property)** - Flat No. 206/B, C.S. Complex No. 3, Anand Nagar, Dahisar East, Mumbai 400068;
- A(iii) **(Orchid Ozone Property)** - Flat No- 1204, 12th Floor, Building No 03, Near Dahisar Check Naka, W.E. Highway, Mira Road (East), Thane;

B(i) Share qua the Properties mentioned at Serial Nos. (i) and (ii): - 66.67% owned by the mother of the Deceased, and the other 33.34% is owned jointly by the Deceased and his brother. Hence, the Deceased's share (16.67%) is divided equally between the Deceased's Mother, Petitioner and the Ward, each of them bearing a 5.56% share.

B(ii) Share qua the property mentioned at Serial No. (iii)- The property was jointly owned by the mother of the Deceased and the Deceased. The Deceased's share (50%) is divided equally between the Deceased's Mother, Petitioner and the Ward. Hence, the mother of the Deceased bears a total of 66.67%, and the Petitioner and the Ward hold a 16.67% share.

5. It is stated that after the death of the Deceased, the Petitioner and the mother of the Deceased had entered into a Memorandum of Family Settlement (**MOFS**) dated 19th October 2021, wherein it was agreed between the aforesaid parties that subject to obtaining the necessary orders/permission from this Court, the Petitioner will relinquish her own share as well as the share of the Ward qua the properties above-mentioned at Serial Nos. A(i) and A(ii) in favour of the mother of the Deceased.

6. It is therefore stated that, as a consequence, she and the Ward each hold a 5.56% share in each of the above -mentioned properties at Serial Nos. A(i) and A(ii), which amounts to a total of 22.2%, which is to be relinquished in favour of the mother of the Deceased. And that accordingly, as per the MOFS, it was agreed that the mother of the Deceased would relinquish her 66.67% share in Orchid Ozone Property, in favour of the Petitioner and the Ward.

7. The Petitioner submits that, therefore, as per the terms of the MOFS, the Petitioner and the Ward would become the full owners of the Orchid Ozone property. Consequently, the mother of the Deceased would become the owner of 83.34% (inclusive of her share in the said properties) share each in the Astoria Co-operative Housing Society Ltd. Property and Sonal Apartments Property, with the remaining 16.67% each being with the brother of the Deceased. It is further stated that the MOFS is a practical necessity, as the Petitioner and the Ward currently have no residence of their own and are compelled to stay at the Petitioner's maternal home and that at present, lacking any independent shelter or secure accommodation.

8. It is stated that the Petitioner had applied for the issuance of Letters of Administration in respect of the estate and assets of the Deceased, in

her capacity as the widow of the Deceased. Accordingly, this Court was pleased to grant Letters of Administration in Testamentary Petition No. 1888 of 2022, by an order dated 27th March 2023.

9. Moreover, it is stated that the Petitioner had applied for the valuation of all the Immovable properties left behind by the Deceased which is depicted hereinbelow:

Sr. No.	Property	Fair Market Value of the Property	Deceased's Share Value (as % share)	Each Class I Heir's Share Value (per bearing %)
1	Astoria Co-operative Housing Society Ltd.	Rs.1,11,50,000/-	Rs.18,58,705/- (16.67%)	Rs.6,19,568/- (5.55%)
2	Sonal Apartments	Rs. 80,76,000/-	Rs.13,46,269 /- (16.67%)	Rs.4,48,756/- (5.55%)
3	Orchid Ozone	Rs. 54,46,000/-	Rs.27,23,000/- (50%)	Rs.9,07,666 /- (16.67%)

10. It is stated that, as per Section 6 of the Hindu Minority and Guardianship Act, 1956, the Petitioner has become the natural guardian of the Ward after the unfortunate demise of the Deceased. It is further stated that paramount importance has been placed on the best interests of the Ward, with the intent to ensure that she has access to a safe, stable, and permanent home environment, which is essential for her healthy development and future

stability. The decision to streamline ownership and secure residential rights is not motivated by any personal gain but is rooted solely in the desire to provide the minor with a dignified standard of living, a sense of permanence, and freedom from future disputes or uncertainty regarding property rights.

11. It is stated that, as regards the present status qua the three immovable properties comprising the Astoria Co-operative Housing Society Ltd property and the Sonal Apartments property, both of which are self-occupied, with the Sonal Apartments property being currently rented out, and the Orchid Ozone property remains vacant. Except for Sonal Apartments, none of the properties is generating rental income. Consequently, the Petitioner is experiencing financial hardship. Therefore, the decision to seek the release of the Ward's share has been taken after due consideration, with the primary objective of streamlining the ownership structure of the estate. This step is intended to prevent potential future disputes or complications among legal heirs, ensure legal clarity with respect to title and possession, and facilitate the effective management and utilisation of the assets. Most importantly, the arrangement has been proposed in a manner that safeguards and promotes the best interests of the Ward, ensuring that her rights are neither compromised nor adversely affected in any manner.

12. This Court has considered the averments made in the Petition. The present Petition is maintainable under Section 7 of the Guardians and Wards Act, 1890. The Ward is residing with the Petitioner, who has been attending to her welfare, care, and protection and more particularly after the demise of the husband. The Petitioner has sought her appointment as Guardian of the Ward to manage her affairs and her movable and immovable properties in the best interest and welfare of the Ward.

13. This Court has heard Mr. Aditya Shinde, learned Counsel for the Petitioner, and upon considering the submissions made by him, this Court is of the view that, in the interest and welfare of the Ward and for safeguarding her rights, the Petitioner is required to be appointed as the Guardian of the Ward. This Court is satisfied that the MOFS is bona fide, equitable, and in the paramount welfare of the Ward.

14. Accordingly, the following order is passed:

:: ORDER ::

- (i) The Petition is allowed in terms of prayer clauses (a), (b), (c), which read as under:

- a. *That the Hon'ble Court be pleased to appoint the Petitioner as the legal guardian of the person and property of the minor under section 8(2)(a) of the Hindu Minority and Guardianship Act Of 1956 read with section 29 of and Guardian and Wards Act, 1890, and this Hon'ble Court be pleased to grant permission to the Petitioner to act on behalf of her minor daughter Nyra Sreejit in respect of her undivided share in the properties*
- b. *That the Petitioner be permitted to execute the Relinquishment Deed and any other requisite documents in favour of Smt. Sushama Sreedharan, according to the directions of this Hon'ble Court mentioned above.*
- c. *That such other and further reliefs as this Hon'ble Court may deem fit in the interest of justice be granted.*

(ii) The Guardianship Petition is accordingly disposed of.

(iii) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

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