

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

GUARDIANSHIP PETITION NO.21 OF 2015

Anusaya Abhiman Patil & Anr. ... Petitioners

Pankaj D Purway, Adv. for petitioners.

CORAM : MRS. ROSHAN DALVI, J.

DATE : 16th October, 2015.

P.C. :

1. Two petitioners have applied for being appointed guardian of two minor children Aarti and Aditya. The first petitioner is the paternal grandmother of the minor children. The second petitioner is the paternal aunt of the minor children. The paternal aunt is married. Only one of the petitioners can be appointed guardian of the minor children.

2. The parents of the minor children have expired. The petitioners have produced the death certificate of the minor children as also the identification document of the petitioners as also minor children. The minor children lived with the parents until the death of the parents and are shown in the ration card issued in the name of the son of petitioner No.1. After the death of parents minor children are stated to be residing with petitioner No.1. However, her ration card does not show the minor children. Their name may be shown in the ration card. The husband of petitioner No.1 has expired. The petitioners have produced the death certificate of the husband of petitioner No.1. Petitioner No.1 is seen to be fit and proper person to

be appointed guardian in respect of the property and person of the minor children. She is accordingly appointed guardian of the person and property of both the minor children.

3. The Western Railways where the father of the minor children served shall open an pension account in the name of the minor children showing petitioner No.1 as guardian of the minor children.

4. All the other investments and benefits of the deceased father of the minor children by way of Provident Fund or other benefits as also from the LIC shall be transferred to the Accounts Officers of this Court by the Western Railways as also the LIC. All the amounts that are so transferred shall be invested by the Accounts Officer of this Court in the name of minor children showing petitioner No.1 as guardian in fixed deposit receipt of any nationalised bank during the minority of the minor children. The interest that accrues therefrom shall be allowed to be withdrawn by petitioner No.1 and shall be used only for the education and maintenance of the minor children. The minor children shall be entitled to withdraw from the investment only upon attaining majority. Proclamation duly served is taken on record.

5. Guardianship Petition is disposed of accordingly.

(ROSHAN DALVI, J.)