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

GUARDIANSHIP PETITION NO. 20 OF 2014

Mss. Falak Ami Thanawala ...Minor child

1. Asha Mukesh Mehta
2. Naina Mansukhlal Shah ...Petitioners

Mr. Nitin G. Raut for the Petitioners

Mrs. Asha Mukesh Mehta, Petitioner No.1 present in Court

CORAM : MRS. ROSHAN DALVI, J.

DATED : 11TH SEPTEMBER, 2015

P.C. :

1. The petitioners have applied for being appointed guardian of the minor child Falak Ami Thanawala. The petitioners are the grand-aunts of the minor child. The minor child was earlier adopted by her adoptive mother Ami Thanawala. She had married to nephew of the petitioners. She as well as her husband have expired.
2. The petitioners have produced the birth certificate of the minor child issued by the Chennai Municipal Corporation and the death certificates of the adoptive parents of the minor child issued by the Mumbai Municipal Corporation.
3. The mother of the adoptive mother of the minor child

(the sister of the petitioners) has also expired. The petitioners have produced her death certificate also.

4. The petitioners are the only persons to maintain and care for the minor child. The petitioners are fit and proper to be appointed guardian of the minor child.
5. The petitioners are, therefore, appointed guardian of the minor child Falak Ami Thanawala as also her properties.
6. The petitioners have shown a number of movable and immovable properties in the schedule **Exhibit-G** to the petition. Since the petitioners are appointed legal guardians the petitioners are otherwise required to bring in all the properties to be invested by the Court Officers. Since the investments are made in various banks and financial institutions such usual order is not passed. The investments may remain wherever invested including in the bank accounts. The petitioners agree that they shall not be entitled and that they shall not withdraw the principal amounts lying to the credit of various banks shown in **Exhibit-G** to the petition as also in various shares, insurance policies, debentures, bonds and other investments.
7. There are four immovable properties including 3 flats and garages as also one separate garage, which are stated to

be properties of the minor child.

8. The petitioners shall be entitled to apply for the admission of the minor child in school and college, as also to administer the estate of her deceased parents which would devolve upon her and for all other alike purposes.

9. Hence the following order:

(a) The petitioners are appointed guardian of the minor child Falak Ami Thanawala.

(b) The petitioners shall not be entitled to redeem any of the bonds or to withdraw the principal amounts in the bank accounts during the minority of the minor child.

(c) The petitioners shall be entitled to withdraw the interest which accrues due upon the balances in the bank accounts as also the interest amounts or the dividend amounts on the bonds and/or shares, insurance policies, debentures and other investments. Such amounts shall be utilised only for the education and maintenance of the minor child.

(d) The petitioners shall not sell, alienate, encumber

or create any third party rights in the immovable properties of the minor child during her minority.

(e) The petitioners shall however be entitled to create licences in respect of the said properties initially for a period of 5 years and renew it for a period of 5 years and also renew all the investments accordingly.

(f) The minor Falak Ami Thanawala shall of course be entitled to deal with the movable and immovable properties upon attaining majority.

(g) The petition is disposed off accordingly.

(ROSHAN DALVI, J.)

CERTIFICATE

**Certified to be true and correct copy of the original signed
Judgment /order.**