

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

GUARDIANSHIP PETITION NO.8 OF 2015

Ms. Philomena Michael	...	Petitioner
Vs.		
Mr. Sylvan D'Almeida	...	Respondent

Leena Temkar, Adv. i/b. Deepak Pundlik Jamsandekar, Adv. for petitioner.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 21st September, 2015.

P.C. :

1. The petitioner is the maternal aunt of the minor child Elvita D'Almeida aged 3 years. The parents of the minor child are shown to have had various disputes. The respondent who is the father of the minor child is shown to have abandoned the minor and left the matrimonial home. The mother of the minor child expired. The petitioner has produced the death certificate and birth certificate of mother and child.

2. The mother had purchased a flat in the name of the petitioner as also herself and for which she paid the EMIs. The child is stated to have been resided with her mother as also the petitioner.

3. The respondent, who is the father is sought to be served at his address in Karnataka as also last known address of the respondent in Mumbai. He was not found at the Karnataka address. The packet sent to Mumbai address has been returned unclaimed. The respondent

is seen not to have acted as a legal guardian of the minor child for the protection, care and custody of the minor child.

4. The petitioner is seen to be fit and proper person to be appointed guardian of the minor child Elvita D'Almeida.

5. Hence the petitioner is appointed guardian of the person and properties of the minor child.

6. The properties of the minor child are certain bank accounts, Fixed deposit receipts in various nationalised banks. The petitioner shall not be entitled to withdraw any amount therefrom. The amounts shall remain in fixed deposit account. However, the interest that accrues due on fixed deposit shall be entitled to be used by petitioner only for education and maintenance of the minor child.

7. The Guardianship Petition is disposed of accordingly.

(ROSHAN DALVI, J.)

C E R T I F I C A T E

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