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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 12 OF 2016**

Prakash Chudasama

...Petitioner

And

Master Viraj J. Chudasama

...Minor

Mrs. Waquar Ahmad, for the Petitioner.

CORAM: G.S. PATEL, J

DATED: 10th August 2016

PC:-

1. The Petition seeks the appointment of the Petitioner as a guardian of a minor Viraj Jayanti Chudasama, aged 13 years. Viraj was born on 16th November 2003. Viraj's father was the Petitioner's brother. Viraj's parents' died in a fatal bus accident at Virar in Mumbai on 16th February 2013. Since the father when died was older, he was presumed to have died before her.

2. The minor is residing with the Petitioner since then. The Petitioner's mother is alive. The minor has an elder sister Sonali who is 18 years old. No Will of the deceased has been found. The maternal grandparents and paternal grandmother have all consented to the appointment of the Petitioner as a guardian. The Consent Affidavits by the maternal grandparents and the paternal

grandmother tendered by the Advocate for the Petitioner are taken on record.

3. The Guardianship Certificate is required because the Mumbai Housing & Area Development Authority has required this in relation to an allotment letter issued to the minor's father regarding Flat No. 1B/102, Survey No. 235, Versova, Andheri (West), Mumbai.

4. It is to be noted that the paternal grandfather had applied for guardianship but he died before that Petition could be allowed.

5. The minor is presently a student. He is being looked after and taken care of by the Petitioner. The interest of the Petitioner is not adverse to that of the minor.

6. In this view of the matter, the Petition is made absolute in terms of prayer clauses (a) and (b).

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)