

JS/V

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.29 OF 2015**

Ramchandra Kallu Yadav & Anr.

...Petitioners

Mr. Ramesh Kamble, *for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 20th April 2016

PC:-

1. This is a Petition under the Guardians and Wards Act, 1890 in respect of the property and person of two minors, namely Rishab Sadafal Yadav, aged about 8 years and Deepika Sadafal Yadav aged about 6 years. The Petitioners are respectively the maternal uncle and maternal grandmother of these two children.

2. Rushab was born on 1st April 2007. Deepika was born on 5th November 2009. Their birth certificates are annexed. The minors' mother was one Usha Kallu Yadav. This was her maiden name. She was the daughter of the 2nd Petitioner and the sister of the 1st Petitioner. She married one Sadafal Hariram Yadav. It seems that Usha was harassed and threatened for dowry. She was frequently abused. She died on 23rd June 2014. It is alleged that her husband

Mr. Sadafal strangled her to death and then hung her body from a beam with a saree and bed sheet. Although this was made to look like a suicide, after further investigations, an FIR under Sections 302, 323, 498(A) and 34 of the IPC was registered against Sadafal Hariram Yadav, his parents, his brother and his sister-in-law. Sadafal continues to be in judicial custody. His relatives have been enlarged on bail. A copy of Usha's death certificate is annexed as are copies of the FIR against Sadafal and its translation.

3. A chargesheet No. I/206 of 2014 has been filed in the Sessions Court, Thane on 23rd August 2013. The trial is pending final disposal. A copy of the chargesheet and its translation is also annexed.

4. It seems that both minors were at the house when the mother was killed. They are stated to be prime witnesses.

5. In any case, since 24th June 2014, they have been living with the Petitioners at the Petitioners' residence at 20, Laxmibai Chawl, Ghass Compound, Kajupada Pipeline, Kurla (W), Mumbai 400 072. Both the Petitioners are looking after these two minors. They are studying in Yogiraj Shri Krishna Vidyalaya at Kurla, Mumbai. The 1st Petitioner has a business of dealership in scrap iron and metal. He has two shops at Gala No.2, Ana Sagar Scrap Market, Jari Mari, K.A. Road, Mumbai 400 072 and Gala No. C/22, Bharat Lokhand Bazar, Maulana Shaukatali Road, Mumbai 400 008. Both Petitioners earn well from this business and are able to comfortably look after the minors and tend to all their needs including in particular their educational and medical requirements.

6. The Petitioners have had custody of the minors since 24th June 2014. The other family members of the Petitioners, viz., the other maternal uncle and maternal aunt have granted their respective no objections to the present Petition and have filed consent Affidavits. These are at Exhibit “F” and “G” to the present Petition.

7. I see no reason to refuse the reliefs, especially in these tragic circumstances. The Guardianship Petition is made absolute in terms of prayer (a). Liberty to the Petitioners to apply should the need arise.

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

(G. S. PATEL, J.)