

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
GUARDIANSHIP PETITION NO. 18 OF 2011**

Mamta alias Mamtha Manohar Nomool	...Petitioner
<i>Versus</i>	
Master Ganesh Manohar Nomool	...Respondent

Mr. R. A. Yadav, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 9th March 2016

PC:-

2. This is a Petition under the Guardian and Wards Act, 1890.

3. The Petitioner seeks to be appointed the guardian of one Ganesh Manohar Nomool, the Respondent in this Petition. The Petitioner is the Respondent's step-mother. The Respondent was born on 25th August 1998 in Andhra Pradesh. His birth certificate is annexed. His birth mother, Satyalaxmi, died intestate on 21st March 2000. Her death certificate is annexed. His natural father was Manohar N. Nomool. After Satyalaxmi died, the Petitioner married Manohar who was at that time working as a ward-boy at the Harilal Jechand Doshi, Ghatkopar Hindu Sabha Hospital,

Sharadhanand Road, Ghatkopar (West), Mumbai 400 086. The Petitioner's ID Card and other details evidencing her marriage to the Respondent's natural father, Manohar, are also annexed. Manohar N. Nomool died intestate on 31st January 2008. His death certificate is annexed.

4. In paragraph 2(e), the Petitioner states that after Manohar died the Respondent has been in the Petitioner's care and custody. She has looked after him, provided for his education, welfare and health. She says that the Respondent is entitled to his late father's service dues from the Harilal Jechand Doshi Ghatkopar Hindu Sabha Hospital. The Respondent is shown as the nominee in that hospital's record in respect of these service dues. For payment of these dues, the guardianship certificate is required.

5. Today, the Respondent is over 17 years of age, not yet a major for the purposes of Guardian and Wards Act. I am satisfied that the Petitioner has no interest direct or indirect adverse to that of the Respondent.

6. By previous orders, a proclamation was directed to be issued. Mr. Yadav, learned Advocate for the Petitioner, points out that such a proclamation was in fact issued and there is an Affidavit dated 20th January 2012 through such publication.

7. In these circumstances, I see no impediment to the grant of relief. The Petition is made absolute in terms of prayer clauses (a), (b) and (c) subject to the following:-

- (a) That when the service dues of the Respondent's father, Manohar N. Nomool, are received, these are to be held in a separate account to be maintained in the name of the Respondent. The Petitioner may be a joint signatory on that account. She will not, however, till such time as the minor attains majority, utilise those funds in that account without leave of the Court on a properly made application;

8. For convenience, prayer clauses (a), (b) and (c) are set out at below:

“(a) that the Petitioner may be appointed as guardian of both i.e. person and property of the Respondent without any remuneration or security or security or in the alternative any other benefit and proper person be appointed as the guardian of the Respondent;

(b) This Hon'ble Court be pleased to direct the employer, H. J. Doshi Ghatkopar, Hindu Sabha Hospital, Sharadhanand Road, Ghatkopar, Mumbai 400 086 to make payment of all service of deceased husband to Respondent i.e. Gratuity, Provident Fund, LIC and other dues payable to Respondent lying with employer.

(c) that the guardian of the Respondent may be appointed by this Hon'ble Court be authorised on behalf of the Respondent agovenamed to execute the necessary

documents and/or writings for getting the
service dues of Deceased father of
Respondent."

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

(G. S. PATEL, J.)