

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 11 OF 2016**

Shanta w/o Pandurang Thakur ...Petitioner
Versus
Master Sai Laxman Mali & Ganesh Laxman Mali ...Respondents

Mr. Sanjay Prabhu, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 22nd June 2016

PC:-

1. Accepted. Notice under Section 11 of the Guardians and Wards Act, 1890 is dispensed with. The Petition is made returnable forthwith.

2. The Petition is under the Guardians and Wards Act, 1890 in respect of two minor male children, Sai Laxman Mali born on 21st May 2002 and Ganesh Laxman Mali born on 5th December 2003. They are currently in the care and custody of their paternal aunt, their father's sister. Their mother died on 29th March 2005 and father died on 29th April 2009. The death certificates are annexed to the Petition. The minors have no other next to kin other than the Petitioner.

3. The application is to appoint the Petitioner as guardian to protect their interest. The statements made in paragraph 8 of the Petition are accepted as undertakings to the Court. There will also be an order in terms of prayer clause (b) with these corrections: that the reference to “minor child” shall be read as “minor children” and the words “said minor” will be read to the “said minors”. It is clarified that the Petition is being allowed in respect of both Sai and Ganesh.

4. It is further clarified that in regard to the allotment of any premises or accommodation, temporary or permanent, under any SRA Scheme in lieu of Room No. 106/B mentioned in the prayer, if taken in the name of the Petitioner, this will be in her capacity as a guardian of, and in trust for — and only for — the benefit of the two minors, and not in her personal capacity. In any case, before such surrender is made or allotment taken, the Petitioner shall separately obtain leave of this Court.

(G. S. PATEL, J.)