

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.3 OF 2016

Mrs. Pranaya Prabhakar Gaikwad ...Petitioner
And
Master Sanskar Suresh Salunkhe ... Minor child

Mrs. Swati Sawant, for the Petitioner.
Mrs. Pranaya Prabhakar Gaikwad, Petitioner present.

CORAM: G.S. PATEL, J
DATED: 14th September 2016

PC:-

1. This is an unusual Petition under the Guardians and Wards Act 1890. It relates to a male minor, Sanskar Suresh Salunkhe. He was born on 28th March 2001, and is therefore today just under 13 years old.

2. These are the facts in the Petition. Sanskar was at birth named Santosh. His parents were Madhu and Lata Dudhale. A copy of his birth certificate is annexed. Santosh/Sanskar's biological parents died. His maternal grandmother, one Dhrupadabai Bhalchandra Gade, gave Santosh/Sanskar in adoption by a registered adoption deed dated 7th August 2003 (i.e. when he was little over two years old) to one Suresh Gopal Salunkhe and Smita Suresh Salunkhe. The kinship between the Salunkhes and the Dudhales is unclear: the Adoption Deed's reference in Marathi to

“naatvanda” seems to me to be a reference to the minor. A copy of that Adoption Deed is also annexed. On adoption, the minor’s name was changed to Sanskar.

3. Suresh Salunkhe died on 3rd February 2009. His death certificate is annexed. Smita died a widow on 25th March 2014. Her only heir was the minor. There were no other next-of-kin on either Smita’s or Suresh’s side.

4. It seems that the minor has been looked after ever since by Suresh’s sister, the Petitioner, Pranaya Prabhakar Gaikwad. She is personally present in Court. She says that Suresh’s brother, sister and sister’s son, as also an uncle of Smita Salunkhe have no objection to her appointment as the minor’s guardian. She says that she has been looking after the child since Smita died in 2014. Smita executed a registered Will bequeathing her properties to the minor. To obtain Letters of Administration with Will annexed, the Petitioner needs a guardianship certificate. She says that her interest is not adverse to that of the minor.

5. I have on previous occasions, given the complexity of this history, adjourned this matter periodically *inter alia* to enable some amendments to be carried to the Petition itself. Mrs. Sawant who appears for the Petitioner has effected those amendments. The Petitioner is present in Court.

6. I am satisfied that the Petition deserves to be allowed. The minor lost his birth parents and then his adoptive parents. He is at

an age when he most certainly needs a family and a guardian. The Petitioner seems to be the only one suited to this.

7. The Guardianship Petition is made absolute in terms of prayers (a) and (b).

(G. S. PATEL, J.)