

JS/V

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.20 OF 2015**

Smt. Preeti Pradip Patil

...Petitioner

Ms.Shilpa Joshi, *for the Petitioner.*

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

PC:-

1. The Petition is incorrectly shown in the caption of acceptance. It was accepted on 31st August 2015.
2. The Petition is under Sections 6, 7, 9 and 12 of the Guardians and Wards Act, 1890. It seeks a declaration of the Petitioner as the guardian of the property and person of a minor, Soham Sharad Rane. Soham was born on 4th August 2003. He is presently 12 years old. He is present in Court today. A copy of his birth certificate is annexed.
3. Soham is the son of the Petitioner's deceased brother, one Sharad Rane. Soham's mother Sakshi has also passed away. Their death certificates are annexed as Exhibit "C" and "D" to the

Petition. Sharad died on 16th August 2012 and Sakshi died on 8th October 2014. Sakshi Rane's parents, i.e. the maternal grandparents of the minor have passed away. The minor's paternal grandparents have also expired.

4. The Petitioner has two married sisters. They have no objections to the grant of relief in this Petition. The declaration by the two married sisters is at Exhibit "E" to the Petition. The maternal uncle of the minor one Kapil Raghunath Naik has filed a declaration dated 3rd August 2015. He confirms that Soham is cared for by the Petitioner and by Petitioner's husband Pradeep. He confirms that he has no objection to the grant of relief. The declaration is taken on record and marked "X" for identification.

5. Soham is presently studying in the Military School, Pune. His progress is satisfactory. The Petitioner resides in Mumbai. She has so far paid Rs.60,000/- towards school fees. Additional amounts are also payable. In paragraph 8 of the Petition it is stated that there are certain amounts given to Soham by a donor as financial help which are in a bank account and which stands in the name of Soham and his mother. Neither the Petitioner nor the minor are able to access the account. The total amount offered as financial help is Rs.4,00,000/- and an amount of Rs.1,00,000/- is in Life Insurance policies which Soham will receive on attaining majority. The remaining amounts are in fixed deposits with Bank of Baroda, Prabhadevi Branch. There are additional life insurance policies as well and a savings bank account in the State Bank of India. There are also other bank accounts in the name of the mother

of the minor. There are other dues to the parents to which the minor would be entitled on majority.

6. In paragraph 19, the Petitioner says that Soham has been staying with her since the beginning and even when his parents are alive from the age of two. This was because Sharad Rane, the minor's father, suffered a heart attack and had no one to care for him. The minor's mother, Sakshi, was partially blind and lost her vision entirely soon after Sharad Rane passed away.

7. Sufficient ground are made out for the grant of relief. The Petition is made absolute in terms of clauses (a) to (n) which read as follows:

a) That the Petitioner prays that the publication of the notice under Section 11 of the Guardians and Wards Act be dispensed with;

b) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declare the Petitioner to be the Guardian of the person of the minor Soham Sharad Rane;

c) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declare the Petitioner to be the Guardian of the property of the minor Soham Sharad Rane as described in the schedule annexed at Exhibit Q hereto;

d) That the State Bank of India be directed to deposit the funds lying in account of minor Soham Sharad Rane being account No.33005989196 in the name of Accounts Officer, High Court, Bombay;

e) That the State Bank of India be directed to deposit the funds lying in the account of Sakshi Sharad Rane being Account No.32833566802 in the name of Accounts Officer, High Court, Bombay;

f) That the Bank of Baroda be directed to deposit the funds lying in the account of Sakshi Sharad Rane being Account No.12530100009897 in the account of Accounts Officer, High Court, Bombay;

g) That the Bank of Baroda be directed to deposit the maturity amount of Rs.45,015/- in respect of the fixed deposit having account Id No.12530300018768 in the name of Accounts Officer, High Court, Bombay.

h) That the Employees Provident Fund Organisation be directed to deposit the arrears of the monthly pension of the mother of the minor Soham by name Sakshi Sharad Rane with the Accounts Officer, High Court, Bombay;

i) That the Accounts Officer High Court Bombay be directed to pay to the Petitioner an amount of the yearly school fees of the minor Soham Sharad Rane who is studying in Netaji Subhashchandra Bose Boy's Military School, Phulgaon, Pune after producing evidence to that effect from out of the funds deposited with him;

j) That the Accounts Officer High Court Bombay be directed to invest the remaining amount deposited as per clauses (d) to (h) above after payment of school fees in a nationalized bank for a period of one year and the Petitioner be allowed to withdraw the quarterly interest for the

education and maintenance and welfare of the minor Soham Sharad Rane;

k) That the LIC of India be directed to deposit the maturity amount of the LIC Policy No.991549913 standing in the name of the minor having maturity date 23rd November 2017 with the Accounts Officer High Court Bombay.

l) That the LIC of India be directed to deposit the maturity amount of the LIC Policy No.991549914 standing in the name of the minor having maturity date 23rd November 2018 with the Accounts Officer High Court Bombay.

m) That the Bank of Baroda be directed to deposit on maturity the amount of the fixed deposits which are in the name of the minor Soham S. Rane being A/c. Nos.12530300018769, 12530300018770,12530300018771, 12530300018772, 12530300018773,12530300018774, 12530300018775, 12530300018776 with the Accounts Officer High Court Bombay.

8. The Guardianship Petition is disposed of in these terms.
9. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)