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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.27 OF 2015**

Smt. Sandhya Arun Mohite

...Petitioner

Mr. Sunil V. Chaubal, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 5th July 2016

PC:-

1. Heard Mr. Chaubal for the Petitioner.
2. This Petition under the Guardian and Wards Act VII of 1890. The Petitioner is 61 years old. She is a housewife. She is the mother of one Kavita Roopesh Nawarkhele. On 24th February 2002, Kavita married one Rupesh Nawarkhele. They had a minor female child, Ananya, born on 1st January 2005. She is today just over 11 years old.
3. Rupesh and Kavita were permanent residents of Southampton in the U.K. They visited India in August 2014. They both died in a tragic car accident near Chandigarh on 23rd August 2014. Roopesh was older than Kavita. Though they were both killed in the same accident, given the age difference, there is a

presumption that he died first and that she died shortly after. On that presumption, Roopesh's heirs were Kavita, Ananya and Roopesh's mother; and Kavita's heirs are her mother (the Petitioner), Roopesh's mother, and Ananya, the minor. In any event, Ananya is entitled to succeed to a share in her parents' estate (along with their other heirs).

4. Roopesh's parents are alive but are old and are not physically able to look after the minor. Roopesh left some property in UK, including bank accounts.

5. The minor has stayed with the Petitioner since the time of the accident. The Petitioner says that they have deep bond. The Petitioner, therefore, seeks to be appointed as a guardian of the property and person of the minor without security or remuneration. It is stated that the interest of the Petitioner is not adverse to that of the minor.

6. Having considered the material and the documents as also the nature of relief sought, I am inclined to grant the reliefs in the Petition noting that the Petitioner has been careful to mention that on realisation of proceeds from sale of certain assets listed in Exhibit "E" to the Petition, the minor's share in these sale proceeds will be invested till she attains majority.

7. The Petition is made, therefore, absolute in terms of prayer clauses (a) to (f) which read as follows:

- (a) That Notice under Section 11 of the Guardian and Wards Act, VIII 1890, may be dispensed with;
- (b) That the Petitioner as the grandmother of the minor, Ms. Ananya Roopesh Nawarkhele, be appointed as Guardian of the person and property of the minor (without security and without remuneration);
- (c) That the Petitioner may be permitted to take such steps in respect of the properties shown in Exhibit "E" to give effect for transmission of the assets coming to the share of the minor in her names and to execute such documents, deeds, affidavits and any such document as may be necessary for such transmission;
- (d) That the Petitioner may be permitted to realize the realizable assets and to deposit the amount realised from the said assets of said Roopesh Nawarkhele in the process of the administration of the estate as shown in Exhibit "E" within four weeks from the date of the realisation of the said amount with the Accounts Officer of this Hon'ble Court;
- (e) that the Accounts Officer of this Hon'ble Court be directed to invest the said amount in Reserve Bank of India Bonds or in fixed deposits of any Nationalised Banks initially for the period of three years and to renew the same for time to time on the date of its maturity till the time the minor attains the age of majority or till any further order is passed by this Hon'ble Court in that behalf;
- (f) That the Petitioner be permitted to withdraw the interest on the said Reserve Bank of India Bonds or the Fixed Deposit every quarterly for the day to day expenses, maintenance, education and upkeepment of

the said minors, without passing any security and account in respect of the same:

8. All expenses incurred by the Petitioner for the minor's education, maintenance, expenses, etc., are to be separately accounted. The Petitioner agrees and undertakes to file annual accounts on or before the first of December each year till the minor attains majority.

(G. S. PATEL, J.)