

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
GUARDIANSHIP PETITION NO. 9 OF 2015**

Mohammed Iqbal Shaikh s/o Abdul Sattar
Shaikh

...Petitioner

Mr. Jamshed Ansari, *for the Petitioner.*

CORAM: G.S. PATEL, J.
DATED: 10th March 2016

PC:-

1. This is a Petition under Section 7 of the Guardians and Wards Act, 1890 in respect of a minor child named Mohammed Faiz born on 25th September 2003. The Petitioner claims that the minor is in the care and custody of the Petitioner Mohammed Iqbal Shaikh and his wife Akhtari.

2. The minor is the son of the Petitioner's brother. The Petitioner himself is a driver with the Bhabha Atomic Research Centre. The minor's natural parents, one Gulam Kadir Shaikh (the Petitioner's brother) and his wife Teherunnisa Shaikh are both personally present in Court. They confirm that the minor is indeed

their son. They have been identified. They have produced their Aadhar Card. Photocopies of their Aadhar Cards are taken on record and marked as “X” and “X1” respectively. They confirm that they have also another child, a female minor named Muskan, who is about 12 years old.

3. The Petitioner as also the minor’s parents confirm that the minor’s father Gulam Kadir Shaikh worked for some time as a helper at a petrol station in Saudi Arabia. He has, however, been unemployed since 2003. He, his wife and two children (i.e., Muskan and the present minor Mohammed Faiz) are being looked after and are dependent on the Petitioner. The Petitioner also provides for his own wife Akhtari and their daughter Nasreen Shaikh, who is a trained Software Engineer in full time employment with a monthly salary of about Rs.50,000/-.

4. The Petitioner says that the minor Mohammed Faiz is now emotionally attached to the Petitioner and his own family. He has been looked after and provided for all these years. The Petitioner also says that he and his family are providing for not only the minor, but the minor’s sibling and the two minors’ parents also. All of them live together in the Petitioner’s residence at Anushakti Nagar.

5. It is in these circumstances that the Petition is made absolute in terms of prayer clauses (a) and (b), which read as below:

“(a) That this Hon’ble Court may be pleased to appoint the Petitioner as a guardian of the person of the minor Mohammed Faiz, now in the care and custody

of the Petitioner, being the paternal
uncle of the minor.

(b) That the appointment of the Account
Officer, High Court, Bombay be dispensed
with."

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

(G. S. PATEL, J.)