

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 1 OF 2013**

Chandrakant Dattaram Shelar	...Minor
<i>And</i>	
Laxmibai Tukaram Shelar & Sudhakar Tukaram Shelar	...Petitioners

Ms. Anjana Modhare, i/b Siganporia & Dalvi, for the Petitioners.

**CORAM: G.S. PATEL, J
DATED: 13th April 2016**

PC:-

1. This is a very old Guardianship Petition. It has been pending since 2012. The minor is today 17 years old. He was 13 at the time when the Petition was filed. His mother died in 2009. His father died in 2012. He is their only child and therefore their only heir. At the time of the Petition, the Petitioner, Laxmibai, the minor's grandmother was 81 years old. The 2nd Petitioner is the paternal uncle of the minor, i.e., deceased's father's brother.

2. In view of this considerable delay, the Petition is accepted and made returnable forthwith.

3. There is yet another brother named Parshuram and a married sister named Anita Gaekwad.

4. The minor's deceased father was employed with the Post and Telegraph Department. At the time of his death, he occupied staff quarters in Mumbai. After his parents' death, the minor has been staying with the Petitioners, i.e., his grandmother and paternal uncle.

5. There is no doubt that the minor would be entitled to his father's pension and death/retirement gratuity and other benefits. The Petitioners have, therefore, sought to be appointed guardians of the minor, Chandrakant, with permission to invest the proceeds of his father's gratuity and pension funds receivable from the Government of India and secure them in fixed deposits with any Nationalised Bank till such time Chandrakant attains majority.

6. The second prayer in the alternative is that the 1st Petitioner, on account of her advanced age, be not appointed guardian (although she has acted as such) and that the appointment be made in the name of the 2nd Petitioner, the paternal uncle of the minor. I am not inclined to grant the alternate prayer.

7. The Petition is made absolute in terms of prayer clauses (a), (c) and (d), which read follows:

“(a) This Hon'ble Court be pleased to appoint the Petitioners as the guardians of the minor Chandrakant Dattaram Shelar to look after his welfare and interest with permission to invest the proceeds of the gratuity and pension fund receivable from Government of India in secure Fixed Deposit Receipts in a nationalized bank in

the name of the minor Chandrakant Dattaram Shelar until he attains the age of majority;

(c) This Hon'ble Court be pleased to permit the minor to avail of the interest on the Fixed Deposit investments for his day to day maintenance and school fees;

(d) This Hon'ble Court be pleased to dispense with Notice under Section 11 of the Guardian and Wards Act, 1890;"

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

(G. S. PATEL, J.)