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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO.2 OF 2016

Girish Arjun Kanse ...Petitioner

Mr. D.C. Pathak, *for the Petitioner.*
Mr. Ajay Kuklarni, *Deputy Commissioner of Income Tax present.*

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

PC:-

1. Mr. Ajay Kulkarni, Deputy Commissioner of Income Tax (H.Q.), is personally present in Court pursuant to the order of 8th June 2016.

2. The matter requires some explanation. The Petitioner, Girish Kanse, was married to one Anagha. They had a daughter, Riddhi, as yet a minor. Anagha died on 18th May 2013. During her lifetime, Anagha worked with the Income Tax Department, Mumbai. As such, she was entitled to certain benefits including a family pension.

3. It seems that on 28th November 2014, approximately a little more than a year after Anagha passed away, Girish remarried.

4. I can understand that on his remarriage, the Petitioner is not eligible to continue to receive the family pension that was due to Anagha. However, there should be no difficulty at all as regards Riddhi, and her entitlement to her mother's pension.

5. Girish Kanse has had to file this Petition only because of a letter dated 30th January 2015 from Mr. Ajay Kulkarni, in which Mr. Kulkarni requires the Petitioner to produce a "legal guardianship by the Court". There can be no such requirement. In law, the Petitioner is the father and natural guardian of the minor, Riddhi. This requires no certification from a Court. Since Mr. Kulkarni agrees that this was an error, and I accept that explanation, a formal order on the Petition is not necessary. Mr. Kanse's application to the Income Tax for transfer of Anagha Kanse's family pension to the name of the minor, Riddhi Girish Kanse, will be processed by the Income Tax Department showing the Petitioner as her father and natural guardian. Mr. Kulkarni says that this process will be completed on or before 5th August 2016.

6. The Petition is disposed of in these terms and with no order as to costs.

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

(G. S. PATEL, J.)