

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO. 26 OF 2015

Alkaben Rajubhai Patel & Rajubhai R. Patel .. Petitioners
Vs.
Sejalben w/o. Nainesh Natwarbhai Patel .. Respondent

Mr. Jayprakash Dhanuka a/w. Mr. R. R. Mishra for the Petitioners.
Mr. Rahul Gaikwad a/w. Mr. Amit Karkhanis, Ms. Suparna Holamgi i/b Kay
Legal & Associates for the Respondent.

CORAM : S. C. GUPTE, J.
DATE : 20th NOVEMBER, 2017.

P. C. :

For reasons recorded separately, the petition is disposed of in
terms of the following order:

- (i) The petitioners are appointed as guardians of the person and property of the minor child Shubh;
- (ii) The petitioners shall facilitate Skype calls and other electronic communications between the respondent and her minor son Shubh after his school hours and during weekly off days and vacations. It will be for the parties, i.e. the petitioners, the respondent and the minor child, to work out the frequency and durations of all these calls and communications, bearing in mind their purpose which is to allow the respondent a better and better access to her son Shubh over a period of time so as to enable her to develop a mother and son emotional bond

and relationship between the two. The parties will be at liberty to apply to the Court if they need so as to better fulfill the purpose of these communications;

(iii) The respondent will be at liberty to apply for guardianship of the minor as and when the emotional bonding is established and the minor is willing to be a ward of the respondent. The Court will in such a case hear the parties afresh and decide the application on its merits;

(iv) The old passport of the child shall be handed over to the petitioners. The parties shall jointly apply for renewal of the passport. Before the respondent leaves the country, she shall not only hand over the expired passport of the minor child to the petitioners but also complete all formalities for renewal of the passport including furnishing of authority, if any, needed for that purpose. In case of any difficulty in this behalf, the parties will be at liberty to approach the Court. The renewed passport shall also be retained by the petitioners as the legal guardians of the minor child so as to abide by any future orders passed in pursuance of the liberty reserved hereunder;

(v) It is clarified that in case any insurance policy is taken in the name of the minor child by the petitioners, the petitioners may nominate themselves as nominees of the policy. The

petitioners, however, shall have to seek appropriate orders from the Court if they receive any amount towards the policy.

- (vi) The petitioners shall be at liberty to apply to Government authorities for appropriate identity documents for the minor child. They, however, shall intimate all such applications and communications received from the authorities in connection therewith to the respondent;
- (vii) All concerned to act on the authenticated copy of this order. Certified copy is expedited.

[S. C. GUPTE, J.]