

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

GUARDIANSHIP PETITION NO.22 OF 2016

Zeev Adani & Anr.Petitioners

V/s.

Sophie Daughter of Mani
Jitendra MakhijaMinor

Mr. R.S. Raymond a/w. Mr. U.P. Shastri i/b. Raymond and Co. for the
petitioners.

CORAM : K.R.SHRIRAM,J
DATE : 17th JANUARY, 2017

P.C.:-

1 The petition is filed to declare the petitioner no.1 as the guardian of the minor child – Sophie, who is now aged 11 years. The petitioner no.2 is the mother and natural guardian of the minor and petitioner no.1 is her husband but not the father of the minor.

2 The petitioner no.2 was married to one Mani Jitendra Makhija and the minor was born to petitioner no.2 out of her marriage to the said Mani Jitendra Makhija. The petitioner no.2 and the said Mani Jitendra Makhija filed consent petition for dissolution of their marriage by mutual consent under Section 28 of the Special Marriage Act, 1954. By an order dated 28th August, 2008 the Family Court was pleased to grant a decree of divorce by mutual consent and marriage

between petitioner no.2 and the said Mani Jitendra Makhija was dissolved. At that time, the minor child Sophie was about 3 years of age. After divorce, the petitioner no.2 got remarried to petitioner no.1 on or about 20th June, 2012. The minor has always been with the petitioner no.2 as per the agreement between the petitioner no.2 and the said Mani Jitendra Makhija.

3 The petitioner no.1 it is stated in the petition has been treating the minor as his own child and taking good care of the child. The petitioners wish to apply for a passport for the minor child and for that purpose the petitioners wish that the petitioner no.1 be shown as a natural guardian of the minor child - Sophie. To the petition a copy of an affidavit affirmed by the said Mani Jitendra Makhija on 4th November, 2015 is also annexed in which the said Mani Jitendra Makhija has expressed his no objection if the petitioner no.1 and petitioner no.2 are made the legal guardian of the minor child - Sophie.

4 I have considered the petition and also heard the counsel for the petitioner. Sufficient ground has been made out for the grant of relief.

5 Therefore, the petition is made absolute in terms of prayer clause – (b), which reads as under :

“(b) In the alternative to prayer (a) above this Hon'ble Court be pleased to appoint Petitioner No.1 as a guardian of the minor Sophie aged about 10 years.”

6 All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)