

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

GUARDIANSHIP PETITION NO. 21 OF 2016

Ms. Maitreyee Sanjeev Ghag, And	
Ms. Gaurangee Sanjeev Ghag	.. Minors
AND	
In the matter of settlement of dues of	
Mr. Sanjeev Gajanan Ghag	.. Deceased
AND	
Mr. Narendra Gajanan Ghag	.. Petitioner

Mr. Anil Pandurang Bagwe for the Petitioner.

CORAM : K.R.SHRIRAM, J.
DATED : 14TH FEBRUARY, 2017.

P.C.

1 This Petition is filed under the Guardian and Wards Act, 1890, seeking to appoint the petitioner as guardian of the properties and person of two minors Maitreyee Sanjeev Ghag born in 08.05.2006 and Gaurangee Sanjeev Ghag born on 01.12.2011. A copy of the birth certificates of the two minors are annexed at Exhs.B and E to the Petition.

2 The minors are the children of the petitioner's deceased brother and the brother's wife who is also deceased. The minors father Sanjeev Gajanan Ghag, who was the brother of the petitioner, was working as Police Constable with the Commissioner of Police, Mumbai police, Traffic Division. The father of the minors died on 31.03.2016 whilst on duty. At that time he had left behind his wife Samiksha Sanjeev Ghag and these two minors. Samiksha Sanjeev Ghag expired on 08.05.2016 leaving behind these two minors. The paternal grandparents have pre-deceased the

parents of the minors. The maternal grandparents Govind Bhima Jadhav and Saraswati Govind Jadhav have filed the consent affidavit dated 08.02.2017 consenting to the appointment of the petitioner as the legal guardian of the two minors. The death certificate of the parents of the deceased are also annexed to the Petition at Exh.C and Exh.F.

3 The minors are presently studying in Saint Aloysius English High School, Bhayander (E), Thane. Maitreyee is studying in 5th standard and Gaurangee is studying in Sr. K.G. A copy of the fee card and receipts issued and also identity cards are annexed to the petitioner's affidavit dated 07.02.2017. The petitioner's family consists of his wife and minor son who is also studying in Sr.K.G. in P.G. Vora School, Mira Road (E).

4 It is stated in the Petition that since the father of the minors was a Police Constable, the minors are entitled for death benefits from the Government of Maharashtra. There are other insurance policies also which have been taken out on behalf of the deceased father of the minors. This Petition is filed so that the minors get all the dues that they are entitled to in law from the Government of Maharashtra and also from the various Insurance Companies where their deceased father had taken insurance cover. The petitioner states that the minors have been staying with him ever since the parents of the minors died. Petitioner also states that he has no adverse interest in the property of the minors and undertakes to take care for the education and bright future of the minors. Maternal grandparents also have given their consent. Therefore, sufficient grounds are made out for grant of relief.

5 The Petition, therefore, is allowed in terms of prayer clauses (a) to (h) which are reproduced as under :-

“a) The Notice under section 11 of the Guardian and Wards Act VIII of 1890 may be dispensed with ;

b) This Honourable Court be pleased to appoint the Petitioner above named as Guardian of the properties and assets of the above named minors and persons viz. (1) MISS MAITREYEE SANJEEV GHAG, born on 08.05.2006 and (2) MISS GAURANGEE SANJEEV GHAG, born on 01.12.2011, without security and remuneration and without filing any account ;

c) This Honourable Court be pleased to direct the inspector General of Police / Commissioner of Police, Mumbai Police, Government of Maharashtra, to deposit the amount of the death benefits and any such increased amount with interest or arrears etc. of Mr. Sanjeev Gajanan Ghag, the deceased above-named due and payable to the minors with the office of “The Accounts Officer, High Court, Bombay” ;

d) This Honourable Court be pleased to direct inspector General of Police / Commissioner of Police, Mumbai Police Government of Maharashtra, to pay the amount of monthly Pension due and payable to the Minors, to the Petitioner being Guardian of the above-named Minors, directly depositing the same in the Bank Account for the education, upkeepment and maintenance of them ;

e) This Honourable Court be pleased to direct the above said insurance Companies to pay and deposit the amount of the death – claim of the said insurance Policies with the office of “The Accounts Officer, High Court, Bombay” ;

f) This Honourable Court be pleased to direct the Accounts Officer, High Court, Bombay that after receipt of the said amounts by him, the said amount be invested in the Fixed Deposit with any Nationalized Bank/s in Mumbai in the name of the said minors ;

g) This Honourable Court be pleased to direct the Accounts Officer, High Court, Mumbai to allow the Petitioner to withdraw the interest accrued on the said investment made in Nationalized Bank/s, for education, upkeepment and maintenance of the minors at every quarter months till the minors attains the age of their majority ;

h) This Honourable Court be pleased to grant the leave to the Petitioner to apply to this Honourable Court as and when there may be any occasion may arise ;”

4 The Petition is disposed in these terms.

5 All parties to act on a copy of this order authenticated by the Associate of the Court.

(K.R. SHRIRAM, J.)