

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

GUARDIANSHIP PETITION NO. 31 OF 2016

Aditya Jimit Shah

.. Minor

Shetal Piyush Shah

.. Petitioner

Mr. Prabhu Prabhu i/b M/s. Bina S. Shivhare for petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH APRIL, 2017

P.C.

1 The petitioner is the aunt (father's sister) of the minor-Aditya Jimit Shah who was born on 21st October 2007. The minor's father-Jimit Navin Shah died intestate on 14th October 2009. The minor's mother-Hetal Jimit Shah, i.e., wife of the deceased remarried to one Bharatkumar Kantilal Parikh on 18th February 2010 and has been living with her present husband in Gujarat. The minor has been residing with the petitioner since the time of death of his father. Apart from the minor, the deceased had left behind his mother-Jaya Navin Shah and his widow Hetal Jimit Shah, who is now re-married. The mother of the deceased Jaya Navin Shah (paternal grandmother of the minor) and the mother of the minor have given their 'no objection' to grant the reliefs sought in the petition, i.e., appoint the petitioner as the guardian of the property and the person of the minor. The affidavits dated 1st December 2016 given by the biological mother of the

minor and the paternal grandmother dated 24th November 2016 are annexed to the petition.

As per the directions of this Court, the petitioner served a copy of the notice upon the paternal grandmother-Jaya Navin Shah and biological mother of the minor-Hetal Jimit Shah now called Hetal Parikh by hand delivery and an affidavit of service of the petitioner affirmed on 3rd March 2017 is also filed. No reply has been filed opposing the petition.

2 In the circumstances, there is no impediment to grant the relief sought.

The petition is allowed in terms of prayer clause (b) and accordingly disposed. Prayer clause (b) of the petition reads as under :

“(b) that the Petitioner herein be appointed as Guardian without the remuneration and without the security to the property and person of the said minor Aditya Jimit Shah born on 21st October 2007.”

3 The registry to forward a copy of this order to Hetal Parikh, the biological mother of the minor Aditya by Registered Post A/D.

(K.R. SHRIRAM, J.)