

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 15 OF 2017**

Indrajeet Amarnath Singh

...Petitioner

And

Master Ratul Pradeep Kumar Singh

...Minor

Mr VK Rajbhar, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 19th April 2018

PC:-

1. The Petition proposes that the Petitioner be appointed a guardian of the person and property of a male minor, Ratul Pradeep Kumar Singh, age 12 years 4 months, who resides with the Petitioner and his family. The Petitioner is the minor's paternal uncle (his father's brother).

2. Ratul was born on 4th September 2004 to Pradeep Kumar Singh and Sunita Pradeep Kumar Singh. His birth certificate is annexed at Exhibit "A". Pradeep Kumar died on 19th February 2008 in Mumbai. Sunita died on 13th November 2012. Since then Ratul has been living with his paternal uncle, Pradeep Kumar Singh's brother, the Petitioner. The death certificates of the minor's parents are also annexed.

3. Ratul stays with the Petitioner at Hut/Room No. 1 & 3, Gorakh Singh Tabela, Kadeshwari Mandir Marg, Durga Colony, Bandra (West), Mumbai 400 050. The other members of the Petitioner's family stay there as well. Pradeep Kumar Singh, the minor's father, owned this room which has a Survey Slip No. 0188219 dated 26th July 2000, a copy of which is annexed.

4. The mother of the minor, Sunita, owned Shop No. 9, 11/13, Kadeshwari Mandir Marg, Durga Colony, Mount Mary, Bandra (West), Mumbai 400 050 with a Shops and Establishments License issued by the Municipal Corporation of Greater Mumbai.

5. The minor is entitled to these two properties, namely, the hut and the shop. In addition, Pradeep Kumar Singh was entitled to an undivided share in some ancestral properties in Uttar Pradesh and which has now devolved upon the minor.

6. The interest of the paternal uncle is not adverse to that of the minor. No other Petition for guardianship has ever been made. The Petitioner seeks to be appointed a guardian of the person and properties of the minor.

7. The paternal grandparents of the minor are alive as is the maternal grandmother. The maternal grandfather of the minor has passed away. The maternal uncle of the minor is alive. These persons have no objection to the appointment of the Petitioner as a guardian. The Consent Affidavits are annexed from pages 20 to 25 of the Petition.

8. Having regard to these circumstances, the Petition is made absolute in terms of prayer clauses (a), (b) and (c).

9. It is however clarified that the Petitioner is not entitled to sell or dispose of either of the immovable properties or alienate them and the minor's share in the ancestral property in Uttar Pradesh without a specific order of this Court.

10. Liberty to apply.

(G. S. PATEL, J)