

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
MISCELLANEOUS PETITION NO. 2 OF 2018
IN
GUARDIANSHIP PETITION NO. 28 OF 2016**

Dr Debajit N Sarkar

...Petitioner

Mrs Ranjana Todankar, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 26th March 2018**

PC:-

1. The Petitioner Dr Debajit Nityendra Sarkar is the paternal uncle of a male minor, Aabir Sarkar, born on 4th September 2004. The minor's father Shubhajit Sarkar died on 4th December 2015. It is said that his mother Piyali Pal Sarkar abandoned him.

2. Dr Debajit Sarkar filed Guardianship Petition No. 28 of 2016 and, by an order dated 4th April 2017, KR Shriram J allowed this Guardianship Petition.

3. During his lifetime, Shubhajit Sarkar worked with Tata Consultancy Services ("TCS"). He was entitled to several benefits as a result of that service. TCS deposited a total amount of Rs.1,35,49,943/- with the Prothonotary & Senior Master of this

Court pursuant to the aforesaid order. The Prothonotary & Senior Master has invested this amount and has been directed to release Rs.60,000/- per annum to Dr Debajit Sarkar from the interest generated to meet the educational expenses of the minor.

4. The present application is to allow an amount of Rs.5,00,000/- to be released since the Aabir is proposed to be admitted to the 9th standard in the BK Birla Centre for Education at Shirgaon, Pune, a residential school with quoted fees of Rs.5,00,000/- per annum.

5. Having regard to the amount deposited and the fact that withdrawal is sought in the educational interest of the minor, I have no hesitation in permitting this. The school is a CBSE school and Aabir will complete his 9th to 12th standard education in that school, as currently proposed. I expect that these fees will not only rise but that there will be additional expenses also required to be met on behalf of the minor. I expect there will be additional expenditure of about Rs.1,00,000/- and that in the three years ahead the school fees themselves will rise slightly.

6. Taking all these factors into account, I will permit the withdrawal by the Petitioner of an amount of Rs.6,00,000/- in the present year, Rs.6,50,000/- in the following year and an additional amount of Rs.50,000/- in each of the subsequent years (i.e., Rs 7 lakhs in the following year and Rs 7.5 lakhs in the year thereafter). These amounts will be withdrawn annually. The Petitioner will

maintain accounts of the amounts incurred. The surplus, if any, will be returned to the Prothonotary & Senior Master and be reinvested.

7. To meet these withdrawals the Prothonotary & Senior Master may break any of the existing fixed deposits selecting the most one nearest to maturity first.

8. The Petition is made absolute in these terms.

9. All concerned to act on an authenticated copy of this order.

10. Liberty to the Petitioner to apply.

(G. S. PATEL, J)