

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 23 OF 2017**

Mazdakhatun Jameel Ahmed Shaikh ...Petitioner
Versus
Baby Shaheen Banoo Jamil Ahmed Shaikh & Anr ...Minors

Ms Priyanka Kothari, *i/b AS Ramesan, for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 30th January 2018

PC:-

1. Heard. The Petition is unnecessary. The Petitioner is the mother and natural guardian of the two minors Shaheen Bano Jamil Ahmed Shaikh and Shadma Bano Jamil Ahmed Shaikh, aged 17 and 13 respectively. The minors' father and grandfather have both passed away.

2. Under the personal law governing the parties and even otherwise under the Guardians & Wards Act, the birth mother is evidently the mother and natural guardian. The law in this regard has been firmly settled 16 years ago by the Supreme Court in *Githa Hariharan & Anr. v Reserve Bank of India & Anr.*¹

1 (1999) 2 SCC 228 : AIR 1999 SC 1149.

3. There is no question of any authority or any bank requiring the Petitioner to obtain an order of the Court certifying her as the guardian. So long as the mother is alive, she and she alone is the natural guardian.
4. The Petition is disposed of in these terms. No costs.

(G. S. PATEL, J)