

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 24 OF 2017**

Dhruv Naresh Vikam _____ ...Petitioner

Ms Sonali Humane, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 11th January 2018

PC:-

1. This is a Petition under the Guardian and Wards Act. The Petitioner is about 23 years old. He is the maternal uncle of the minor Twvisha Mayur Savla who was born on 16th April 2016 and is therefore as yet an infant. Twvisha is the daughter of the Petitioner's sister Jinal and her husband Mayur Tarun Savla.

2. On 13th May 2017, Twvisha, her parents, her five-year-old brother Kaiyan, their paternal grandmother Bharati Tarun Savla, and a family attendant were travelling to Hyderabad by road to attend a wedding. Their car met with an accident at National Highway 9 in Bidar District. Except for Twvisha, all the other passengers perished in that accident. Twvisha herself was injured and hospitalized for a few days

3. Annexed to the Petition is the copy of the First Information Report (FIR) with its translation. Also annexed are the death certificates of those who died in the accident.

4. The other members of Twvisha's family today are her father's brother, Kapil, her maternal grandfather Naresh Premji Vikam, her maternal grandmother Kalpana Naresh Vikam.

5. Since the time of the accident Twvisha lives with the Petitioner. Her maternal grandparents are unable to care for her. They are completely traumatized. The paternal uncle Kapil lives in Hyderabad. All these others have granted their no objection to the Petitioner being appointed her guardian.

6. A further factor is that Twvisha is a citizen of the United Kingdom as were those in her immediate family. In 2015, Twvisha's father returned to India and started a business in Mumbai. They continued to hold a leased flat No.8, Haydock Avenue, Northolt, London UB54AL. The flat is mortgaged. Twvisha's grandmother, Bharati, who also died in that accident, herself owned flat No. 201, Plot No. 43 & 54, Sector-6, Koparkhairane, Navi Mumbai. Twvisha is thus entitled to succeed to a 50% right, title and interest in this flat. Her paternal uncle, Kapil, would be entitled to other 50%.

7. In addition, Twvisha's father took a flat on leave and licence. This was Flat No. C/3103, Oberoi, Exquisite, Goregaon (East), Mumbai 400 063. He paid a interest free deposit of Rs. 1,60,000/- to the licensor. The Petitioner has surrendered possession of this flat. Twvisha is entitled to this amount.

8. Twvisha is also entitled to various other personal belongings as also to the amounts set out in the tabulations below paragraph 10.

9. Having regard to these circumstances, I am satisfied that the Petition deserves to be allowed. I will also dispense with the publication of a notice under Section 11 since the consent of the other surviving family members is annexed.

10. The Petition is, therefore, made absolute in terms of prayer clauses (a) to (h) which read as follows:

"a) That the Petitioner prays that the publication of the notice under Section 11 of the Guardians and Wards Act be dispensed with;

b) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declares the Petitioner to be the Guardian of the person of the minor, Twvisha Mayur Savla.

c) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declare the Petitioner to be the Guardian of the property of the minor, Twvisha Mayur Savla described in the schedule annexed at Exhibit-F hereto;

d) That the Life Insurance Corporation Ltd., Branch 880, Mumbai may be directed to deposit the sum assured under the following policies with the Accounts Officer, High Court, Bombay.

Sr. No	Name of the Policy holder	Name of the Insurance company	Policy No.	Sum assured in Rs.
1	Kaiyan Mayur Savla	LIC's Jeevan Tarang	991509502	5,00,000/-

2	Mayur Tarun Savla	LIC's New Endowment Plan	991875604	19,00,000/-
3	Mayur Tarun Savla	LIC'S New Jeevan Anand	992117810	18,80,000
4	Mayur Tarun Savla	LIC's Jeevan Saral	991509499	10,00,000
5	Jinal Mayur Savla	LIC's New Endowment Plan	992212240	11,40,000/-

(e) That the HDFC Bank, Koparkhairane Branch, Navi Mumbai may be directed to deposit the amount lying in the following saving accounts with the Accounts Officer, High Court, Bombay.

Sr. No	Name of the Deceased Account Holder	Bank Name and Account No.	Branch
1	Mayur Tarun Savla	HDFC Bank 15751060000940/ 50100026132893	Koparkhairane, Navi Mumbai
2	Jinal Mayur Savla	HDFC Bank 50100153712722	Koparkhairane, Navi Mumbai
3	Bharati Tarun Savla jointly with Mayur Tarun Salva	HDFC Bank 15751000019748	Koparkhairane, Navi Mumbai

(f) That the Syndicate Bank, Chakala Branch, Mumbai may be directed to deposit the amount lying in the following saving accounts with the Accounts Officer, High Court, Bombay.

Sr. No	Name of the Deceased Account Holder	Bank Name and Account No.	Branch
1	Mayur Tarun Savla	Syndicate Bank 54992200030770	Koparkhairane, Navi Mumbai
2	Jinal Mayur Savla	Syndicate Bank 50112010086091	Koparkhairane, Navi Mumbai

(g) That Mr. Nikhil Ashok Naik, residing at Flat No. C/3103, Oberoi Exquisite, Goregaon East, Mumbai – 400 063 may be directed to deposit the amount of Rs. 1,60,000/- the interest free deposit in respect of Leave and Licence Agreement dated 14th October, 2016 entered into between Mr. Mayur Tarun Savla, the deceased father of the minor and said Mr. Nikhil Ashok Naik (Exhibit-"E") with the Accounts Officer, High Court, Bombay.

h) That the Accounts Officer, High Court, Bombay may be directed to invest the amount deposited as per clauses (d), (e), (f) & (g) above in a nationalised bank for a period of one year and the Petitioner may be allowed to withdraw the quarterly interest for the maintenance and welfare of the minor, Miss. Twisha Mayur Savla.

11. Twisha has sustained some injuries and requires medical attention. I will therefore also permit the Petitioner to withdraw an amount of Rs. 2,50,000/- from the bank balances to meet these expenses. The Petitioner is directed to maintain a statement of account with all supporting documents and vouchers and copies of these will be filed on Affidavit within eight months from today.

(G. S. PATEL, J)