

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 31 OF 2017**

Pradeep Andrew Lewis	...Petitioner
<i>Versus</i>	
Master Julius s/o Pradip Andrew Lewis	...Respondent

Mr Vaibhav P Punekar, *for the Petitioner.*
Mr Suresh Kumar, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 14th March 2018

PC:-

1. Mr Kumar tenders a statement showing the break up of the provident fund details, pension amounts and the child's pension. The minor is being looked after by her grandmother, the Petitioner's mother-in-law. Her name is Leena Monterio. She is present in court. She confirms that the Petitioner father is indeed bearing the costs of care and upkeep of the minor.

2. In this view of the matter, the following directions are passed:
 - (a) The Petition will receive an order in terms of prayer clause (a) appointing the Petitioner as a guardian of the minor;

- (b) the present arrangement where the minor will continue to stay with and be looked after by her maternal grandmother will continue;
- (c) as regards the provident fund amount, the deceased made a nomination in favour of her mother. This is confirmed from the records of the Employees Provident Fund Organization. The entire provident fund amount and EDIL amount will be paid to Leena Monterio, the nominee;
- (d) the pension arrears will be paid to the Petitioner and the monthly pension of Rs.2051/- will also be paid to the Petitioner.
- (e) A separate component of child/children pension (with arrears of Rs.49,231/-; and monthly pension of Rs.513/-) will be paid out in the name of minor to be deposited in the bank account in the minor's name in Abhyudaya Co-operative Bank, Bhandup. That account of the minor is being operated by Leena Monterio and this will continue;
- (f) if the Petitioner has made any expenditures that require reimbursement from this account, he is at liberty to make that request to his mother-in-law. That request will not unreasonably be refused.
- (g) The Petitioner and Leena Monterio will sign the necessary documents with the Employee's Provident Fund Organization. They will attend the office of the Assistant Provident Fund Commissioner on 16th

March 2018 at 11.00 a.m. to sign the necessary documents;

(h) the amounts will be paid out within a week thereafter.

3. The Petition is disposed of in these terms.

(G. S. PATEL, J)