

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
GUARDIANSHIP PETITION NO. 5 OF 2017**

Ratan Govind Jadhav

...Petitioner

And

Sahil Mahendra Jadhav

...Minor

Mr Dhananjay Pathak, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 24th September 2018

PC:-

1. Heard Mr Pathak for the Petitioner.
2. This is a Petition under the Guardians and Wards Act, 1890 in respect of the property and person of the minor, Sahil Mahendra Jadhav (“**Sahil**” or “**minor**”), aged about 17 years. The Petitioner is the paternal uncle of the minor.
3. Sahil was born on 30th June 2001. His birth certificate is annexed. His parents were Mahendra Govind Jadhav (“**Mahendra**”) and Rupali Mahendra Jadhav (“**Rupali**”). The Petitioner is Mahendra’s brother. Mahendra died on 20th

September 2008 and Rupali died on 30th November 2004. Their death certificates are on record. Both died intestate.

4. Mahendra was a worker with Mumbai Municipal Corporation (BMC). There are some dues i.e. Provident Fund, Gratuity fund, Family pension, etc. that are owed to him.

5. Sahil's maternal grandparents are alive and are not willing to look after the minor. Since the father's death, the minor has been living with the Petitioner and his wife at their residence at Tagore Nagar, Municipal Market, Building 1/2, 1st Floor, Hariyali Village, Ganesh Mandir Road, Vikhroli East, Mumbai 400 083. The Petitioner and his family are looking after the minor. The Petitioner, therefore, seeks to be appointed as a guardian of the property and person of the minor without security, remuneration or royalty. Sahil is studying in Std X at Veekays English High School, Vikhroli East, Mumbai. The Petitioner is also an employee with the Mumbai Municipal Corporation of Greater Mumbai (MCGM). The Petitioner states that he is ready and willing to look after the well-being, education and shelter of the minor. The interest of the Petitioner is not adverse to that of the minor.

6. I am satisfied that there is no reason to compel the issue of a notice under Section 11 of the Guardians and Wards Act, 1890.

7. In these circumstances, the Petition is made absolute in terms of prayer (a) and (b) which read as follows:

(a) That Notice under Section 11 of the Guardian and Wards Act, 1890, may be kindly dispensed with;

(b) That the Petitioner i.e. Shri Ratan Govind Jadhav, be appointed Guardian (without security, without remuneration or royalty) of the person of the above minor 'SAHIL MAHENDRA JADHAV'

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

(G. S. PATEL, J)