

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO.6 OF 2018

Meenakshi Tulsidas HodarPetitioner

Vs.

Kum. Dhruti Mohan Hodar and
Master Bhavtik Mohan HodarMinors

Mr. Kailas S. Surve I/b. Mr. Amit I. Sheth for petitioner.
None for respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 16th JANUARY 2019**

P.C.:

1 Petitioner is the wife of deceased father's deceased brother of the minors. The minors Dhruti and Bhavtik were born on 13th April 2001 and 15th November 2004, respectively.

2 The mother of the minors expired on or about 22nd February 2009. The father of the minors, who was working in Naval Dockyard, Mumbai expired on or about 26th July 2010. After the parents expired, deceased father's sister one Jaya Ramji Hodar was appointed as guardian vide order dated 10th November 2014 in Guardianship Petition No.41 of 2011 read with order dated 5th December 2013. Unfortunately, Ms. Jaya Ramji Hodar also expired on 23rd August 2017. Hence this petition.

3 When the petition was listed on the last occasion, this Court directed the advocate to keep petitioner as well as two children to remain present in Court. The daughter Dhruti is studying in first year B.Com in K.P.B. Hinduja College of Commerce, Mumbai and the son Bhavtik is

studying in 9th standard in St. Sebastian Goan High School, Thakurdwar, Mumbai. Both stated that they are living with petitioner and petitioner is taking good care of them. Petitioner stated that petitioner is a widow and had two children. The son and daughter of petitioner are employed. Petitioner states that she is doing household work and if the interest, that is generated out of the funds received from Naval Dockyard into the account of the minors, is allowed to be withdrawn, it would be helpful as education expenses alone for the two children exceeds about Rs.25,000/- per annum. Added to that the other expenses. Petitioner states that if the interest upto atleast Rs.30,000/- is allowed to be withdrawn, it would be helpful. Petitioner also states that by 13th April 2018 daughter Dhruti will also turn a major.

4 In the circumstances, petition is made absolute and disposed in terms of prayer clauses – (a) and (b) which read as under :

(a) This Hon'ble Court may be pleased to appoint the petitioner as guardian of the person and property of minors viz: (1) Kum. Dhruti Mohan Hodar and (2) Master Bhavtik Mohan Hodar, consisting of the estate of late Mr. Mohan Ramji Hodar and Mrs. Geeta Mohan Hodar, the petitioner being paternal aunty of the minors;

(b) The Admiral Superintendent Naval Dockyard, Mumbai be directed to continue to deposit the amounts in A/c. No.3428121768 which is due to them on account of death of the deceased Mohan Ramji Hodar and allow the petitioner as guardian to withdraw the interest accrued for the maintenance and education of the said minors, the petitioner will be entitled for quarterly interest thereon.

5 The Bank, viz, Central Bank of India, is directed to release a maximum upto Rs.30,000/- per annum to petitioner and this amount to be released in four installments depending on the outstanding balance.

6 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)