

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

GUARDIANSHIP PETITION NO. 6 OF 2019

Savita Sambhaji Sawant

...Petitioner

.....
Mr Sameer K. Sawant for the Petitioner.

Dhanappa
I. Koshti
Digitally signed
by Dhanappa I.
Koshti
Date:
2019.06.14
18:41:19
+0530

.....
**CORAM : B. P. COLABAWALLA, J.
JUNE 14, 2019.**

P.C. :

Heard learned advocate for the petitioner and also perused the averments contained in this Guardianship Petition. Considering the averments made in the petition, I am satisfied that no notice is required to be given. In these circumstances, the petition is accepted.

2 The above petition is filed under the provisions of the Guardians and Wards Act, VIII, 1890 in respect of two female minors, namely, Pooja Sanjay Sawant aged 13 years and Vanshika Sanjay Sawant aged 9 years. Both the minors are the grandchildren of the petitioner and are currently residing with the petitioner. The biological father of the said minors, namely, Sanjay Sambhaji Sawant expired on 7th December, 2017 at Mumbai leaving behind his two

daughters, namely, Pooja and Vanshika. The biological mother of the minors also expired on 16th July, 2011. After the death of biological parents, the said minors have been looked after and brought up by the petitioner who is their grandmother. She too is the widow as her husband passed away on 9th August, 2000. The petitioner had three sons, namely, Raju Sambhaji Sawant, father of the minors and Santosh Sambhaji Sawant. As mentioned earlier, the father of the minors expired on 7th December, 2017 and Raju Sawant expired on 7th May, 2010. As far as Santosh Sawant is concerned, he and his family consisting of his wife and two children, are residing with the petitioner at the address mentioned in the cause title of the petition and he has also given his no objection / consent for appointing the petitioner as the guardian of the said minors.

3 The father of the minors, namely, Sanjay Sawant was in service with Godavari Bio-refinery Ltd. as a peon and was making contribution to provident fund from his salary. The only heirs left behind by the said Sanjay Sawant are the petitioner and his two minor children. It is stated in the petition that since the daughters are minor, the Employees Provident Fund Authorities could not hand over the provident fund of the late Sanjay Sawant (father of the minors) and it is for this reason that the petitioner is seeking to

obtain a Guardianship Certificate from this Court for the purpose of receiving and recovering the provident fund dues from the Employees Provident Fund Authorities.

4 It is stated in paragraph 15 of the petition that the petitioner has no interest in the estate of the deceased Sanjay Sawant either directly or indirectly, adverse to that of the minors. She is maintaining, educating and bringing them up and thus the petitioner would be the fit and only person to be appointed as a guardian of the minors as well as their caretaker.

5 The petitioner has also given an undertaking in paragraph 18 of the petition that in the event this court allows the petition, the provident fund belonging to said late father of the minors would be collected from the Employees Provident Fund Authorities and the same would be deposited with the Nationalized Bank until the said minors become major.

6 Looking to all the averments that are made in the petition and which I find to be bonafide, the petition is made absolute in terms of prayer clauses (a) to (d) which reads thus-

“(a) *That notice under section 11 of the Guardian and Wards Act, VIII 1980 may be dispensed with;*

- (b) *The Petitioner, Savita Sambhaji Sawant, be appointed and declared as Guardian of minors Pooja Sanjay Sawant and Vanshika Sanjay Sawant (without security and remuneration);*
- (c) *The Petitioner, Savita Sambhaji Sawant, in capacity of Guardian of said minors, be allowed to apply and collect Provident Fund from Employees Provident Fund Authority payable on account of the deceased Sanjay Sambhaji Sawant, to be said minors;*
- (d) *That the petitioner may be granted leave to apply to this Hon'ble Court as and when the occasion may arise."*

7 The undertaking given by the petitioner in paragraph 18 of the petition is also accepted by the Court. In furtherance of that undertaking it is directed that the provident fund received by the petitioner on behalf of the deceased Sanjay Sambhaji Sawant shall be invested in a fixed deposit of the Nationalized Bank in the name of the two minors, initially for a period of two years and the same shall be continued until the said minors become major. It is needless to clarify that in the event of any difficulty the petitioner is always at liberty to apply for leave of this Court if any modification of this order is required. The Guardianship Petition is accordingly disposed of. No order as to costs.

(B.P.COLABAWALLA, J.)