

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

GUARDIANSHIP PETITION NO.17 OF 2018

In the matter of Guardian and Wards
Act VIII of 1890 ;

And

In the matter of MISS. PARTHVI
SUSHIL DESHMUKH

....Minor

Triveni Pankaj Sawant Maternal Aunty of minor)....Petitioner

Mr.Ashish J.Dubey for petitioner.

[Petitioner and her husband-Mr.Pankaj Sawant present in court].

CORAM : K.R.SHRIRAM,J

DATE : 9.1.2019

P.C.:-

1. Heard the counsel and also considered the petition and the additional affidavit of petitioner affirmed on 9.1.2019. Petitioner is present in court. Mr.Dubey states that petitioner's husband Pankaj Sawant is also present in court and identify both of them.

2. Petitioner is the maternal aunt i.e. mother's sister of the minor Parthvi Sushil Deshmukh who was born on 6.6.2006. The biological father and mother of the minor expired on 20.5.2007 and

15.3.2017, respectively. It is stated that the minor has been living with petitioner since 15.3.2017, the date on which the minor's biological mother expired. Petitioner also stated that day-to-day expenses of the minor is being met by her husband. Even the school fees, tuition fees have been paid by the husband of petitioner.

3. The husband of petitioner Pankaj Sawant who is present in court states that he has no objection to the reliefs as prayed for being granted. Both of them assure the court that they will take best care of the minor.

4. In the circumstances, petition allowed in terms of prayer clauses-(a), (b), (c), (d) and (e) and disposed accordingly. Prayer clauses-(a), (b), (c), (d) and (e) read as under :-

“(a) that this Hon'ble Court may dispense with the Notice under Section 11 of the Guardians and Wards Act 1890 ;

(b) that the Hon'ble Court may appoint the petitioner being the maternal aunt of the minor Miss. Parthvi Sushil Deshmukh as a Guardian of the said minor and property without any remuneration ;

(c) The petitioners may kindly be declared the Guardian of the above said minor to receive and withdraw the pension amount & arrears if any as shares of minor from ASIAN STAR CO. LTD., employer of the said deceased mother for betterment, upkeepment, education and welfare of the said minors ;

(d) A direction may be issued to State Bank of India, Lalbaug Branch, to open an account in name of Minor Miss. Parthvi Sushil Deshmukh through Petitioner as a guardian ;

(e) that the Personnel Manager/Head of Human Resources Department of ASIAN STAR CO. LTD., may kindly be directed to forward the amount of provident fund, and pension including arrears if any payable to the above said minor, directly to the bank account at State Bank of India, Lalbaug Branch.”

5. Asian Star Company Limited is directed to remit all the amounts payable to the deceased mother of the minor directly into the account to be opened by petitioner. Petitioner not to withdraw the amounts without leave of the court. The bank also has to ensure that there shall be no withdrawal from the account.

(K.R.SHRIRAM,J)