

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION No 13 OF 2019

Radhakishan
S. Ladda

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Jagannath Vasudev Gawade ..Petitioner.

Vs

Nihal Anand Gawade (Minor) ..Respondent.

Mr. Kiran Shrirang Mohite for the petitioner.

CORAM : B. P. COLABAWALLA, J.
DATED :- 7th OCTOBER, 2019.

P.C. :-

1. Heard the learned Advocate for the petitioner and also considered the averments in the petition. From the averments contained therein, I am satisfied that no notice is required to be given as contemplated under Section 11 of the Guardians and Wards Act, 1890.

2. This Guardianship Petition has been filed by the petitioner who is the grand-father of the minor Master Nihal Anand

Gawade who is currently 14 years old and is also residing with the petitioner. The said minor's father Mr. Anand Jagannath Gawade expired on 25th November, 2012. Similarly, the mother of the said minor Mrs. Anjani Anand Gawade also expired on 16th June, 2019. The mother of the minor was working in Reliance Smart at Phoenix City Mall, Kurla Kamani, Kurla (West), Mumbai-400 070 (for short **"Reliance Smart"**). After her demise, her pending dues of approximately Rs.15,00,000/- being Provident Fund and other dues etc., have not been paid out. Since the son of the deceased mother is the minor, the concerned Authorities of Reliance Smart are not disbursing the said amount to the minor as well as the petitioner. It is in these circumstances that the present petition is filed.

3. The petitioner has stated on oath in the petition that the amounts that would be received from the concerned authority of Reliance Smart would be utilized for the education and future career of the minor.

4. Having heard the learned Advocate appearing on behalf of the petitioner and considering the averments in the petition, I do not see any impediment in appointing the petitioner as the guardian

of the person and the property of the said minor Master Nihal Anand Gawade.

5. In these circumstances, the petition is allowed in terms of prayer clauses (a) and (b) which read thus :-

“(a) That this Hon’ble Court be pleased to issue Notice under Section 11 of the Guardian and Wards Act, 1890 be dispensed with;

(b) That this Hon’ble Court be pleased to appoint the Petitioner as Guardian of Master Nihal Anand Gawade and property of the said Mr. Nihal Anand Gawade without security and without remuneration.”

6. It is clarified that whatever monies are received by the petitioner for and on behalf of the minor either from the concerned authority of Reliance Smart, or any other authority, shall be utilized exclusively for the use and benefit of the said minor. The petition is accordingly disposed of. No order as to costs.

(B.P. COLABAWALLA, J.)