

S/L 28
08.12.2020
Court. No. 19
GB

C.O. 1506 of 2020

In Re: Sahil Gangwal
... Petitioner

(Through Video Conference)

Mr. Rachit Lakhmani,
Mr. I. Dey,
Mr. Sandipan Das.

...for the Petitioner.

This revisional application has been filed by one Sahil Gangwal, brother of minor Saumya Gangwal praying for a direction upon the learned District Judge, Alipore to dispose of the application under Section 10 of the Guardians and Wards Act, 1890 being Miscellaneous Case No. 175 of 2020. The said application has been filed by the elder brother for declaration of guardianship of his sister in the absence of both the parents.

It is submitted that the minor girl is studying in Class 12 and is applying to different universities in the United States of America for her higher studies. She has already got admission in one university and other applications are pending. She is due to join the university, which accepts her as per her choice in the fall of 2021. She turns 18 in August 2021. It is submitted that the passport which she has applied for without the signature of a guardian as the parents are no more, cannot be processed by the authorities, which has been intimated to the petitioner by the passport authorities.

Hence an application has been filed in the court below for declaration of guardianship in the name of the brother. An ad interim prayer has also been made in the application for such declaration on the limited purpose of allowing the brother to sign the passport as a guardian of the minor and represent the minor in other educational institutions and universities, Visa issuing authorities etc., where the representation by a guardian may be necessary.

This Court is not going into the merits of the claims of the party but, under the circumstances the Court feels that justice would be sub-served if the application at least on the point of ad interim orders with regard to declaration of guardianship of the petitioner to sign the passport and represent the minor in all educational institutions and before the Visa authorities is decided by the court below expeditiously, preferably within December 31, 2020. The learned District Judge will proceed in accordance with law and without being influenced by any observations made herein. The learned District Judge to act on the basis of the server copy of this order.

Accordingly, C.O. 1506 of 2020 is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)