

Tauseef

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

INDIAN GUARDIAN PETITION NO.2 OF 2020
WITH
JUDGE'S ORDER NO.204 OF 2018
IN
INDIAN GUARDIAN PETITION NO.2 OF 2020**

Mrs. Shahnaz Firoz Khan	...Petitioner
V/S.	
Miss. Farzana Firoz Khan	...Respondent

Mr. Akhalaque S. Solkar, Advocate for Petitioner.
Ms. Tehzeeb Javed Kazmi, Respondent

**CORAM : G.S. KULKARNI, J.
DATED : 28th FEBRUARY 2020.**

P.C.:

1. This is an Indian Guardianship Petition filed under Section 8 of the Guardians and Wards Act, 1890, whereby the Petitioner - Mrs. Shahnaz Firoz Khan, with the consent Respondent Ms. Farzana Firoz Khan (step daughter of the Petitioner) prays that the Petitioner be appointed as Guardian of Minor Miss. Meenaz born on 30 March 2003.

2. Respondent Farzana Khan is a biological mother of minor Meenaz. However, as contended by the Petitioner in the petition and admitted by the Respondent, minor Meenaz from her childhood is in the care and custody of the Petitioner and was brought-up by the Petitioner

alongwith her four daughters whose names are set out in the para 4 of the petition. The details of the Petitioner and Respondent in regard to their Residence, Adhar Card, Pan Card and also the survey receipt issued by the Collector of Mumbai city are annexed to the petition.

3. Petitioner is engaged in the business of selling Vegetables at Nerul Market. She is earning about Rs.23,000/- per month. She has immovable properties namely Zo-28 Mohd. Rafiq Nagar Shivaji Nagar, Near Faizul Rasool Masjid Govandi, Shivaji Nagar, Mumbai – 400 043, where she is residing along with her daughters and minor Meenaz. Petitioner has a saving Bank Account No.012310510000649 with Bank of India, Nerul Branch. Copy of the passbook is annexed to the Petition. She has also fixed deposit receipts with the Bank of India, Nerul Branch, Navi Mumbai. Copies of the five fixed deposit receipts are also annexed.

4. In para 5 of the Petition, the Petitioner has set out details in regard to the birth of minor Meenaz, which need not be referred, suffice it to observe that Respondent Farzana is the biological mother of Meenaz and the Respondent is a single parent of minor Meenaz.

5. In para 7 of the petition, Petitioner has contended that minor Meenaz since her birth is residing in Mumbai and also at Navi Mumbai and was studying in Navi Mumbai since K.G. Class. It is stated that minor

Meenaz is presently studying in the Xth Standard at Swami Sukdevanand High School, Nerul (East), Navi Mumbai.

6. The petitioner as also the Respondent contend that Meenaz has now grown up, as also the Respondent has decided to settle in life and get married. It is contended that in these circumstances as right from the childhood minor Meenaz is looked after and brought up by the Petitioner it would be in her interest that the Petitioner is appointed as guardian of minor Meenaz.

7. Petitioner has contended that since the childhood of minor Meenaz Respondent Farzana, due to her office work always worked outside the city and therefore was unable to take care of minor Meenaz, nor she was able to give her good education and was completely looked after by the Petitioner. She has stated that it is the entirely for the welfare of minor Meenaz that the Petitioner be appointed as the guardian of the minor Meenaz, so that minor Meenaz can be looked after maintained, educated and would be well settled in life.

8. This Court on 21 February 2020 after hearing the Petition for sometime had passed the following order:

1. I have heard Mr. Solkar, learned Advocate for the petitioner Mr. Tehzeeb J. Kazmi, learned Advocate for the respondent on this India Guardianship Petition.

2. Petitioner – Shahnaz Firoz Khan and respondent – Farzana Firoz Khan and the minor Ms. Meenaz are also present in

the Court. They are identified by the Advocates for the parties. Learned Advocate for the respondent has contended that in the facts and circumstances of the case, the respondent has no objection and would consent for appointment of the petitioner as guardian of the minor Ms. Meenaz. It is also stated that the petitioner is looking after the minor Ms. Meenaz since her birth. She states that a reply affidavit to support the petition would also be placed on record on or before the adjourned date of hearing.

3. Accordingly, stand over to 25 February 2020 at 5 p.m. in Chamber.

9. In pursuance of the above order, there is a separate Affidavit of Respondent - Farzana dated 28 February 2020 placed on record stating that Petitioner who is her step mother was always taking care of minor Meenaz since her birth. Respondent – Farzana also stated that Petitioner is well capable financially and emotionally to support and take care of daughter Meenaz. It is recorded that the Petitioner has an independent source of income from her business. It is stated that Meenaz has grown up under the care, love and affection of the Petitioner. She has further stated that she is selling beauty products from home and her income is also too meager, and now she has decided to get married and start a new life. She has also stated that the Petitioner although being a step mother the Petitioner is like a real mother to her. She is also declared that she has no right, claim and right in the property of the Petitioner as well as her daughter as also in future she will not make such claim. She has therefore, consented has no objection to appoint such guardian of minor Meenaz.

10. At the hearing of this petition the Petitioner Shahnaz, Respondent Farzana and also minor Meenaz were present. I had brief interaction with them. Respondent Farzana as the mother of minor Meenaz is eager that the Petitioner be appointed as a guardian of minor Meenaz. Petitioner would say that in fact she would like to adopt minor Meenaz. Also Meenaz who is present in the Court and who is capable of understanding the issues has readily agreed and intended that the Petitioner be appointed as her guardian.

11. Having heard learned counsel for the Petitioner and also for Respondent Farzana and having perused the averments as made in the petition, in my opinion, it is in the interest of justice that the Petitioner be appointed as guardian of minor Meenaz. Hence the following order:

ORDER

1. The notice under Section 11 of the Guardians and Wards Act, 1890 be dispensed with.
2. Petitioner is appointed as guardian of minor “Meenaz Ali Hasan”.
3. The Judge’s order is separately signed.
4. Petition is allowed in above terms.
5. Certified copy of this order alongwith Judges order be issued within two weeks from today.

(G.S. KULKARNI, J.)