

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

**JUDGE'S ORDER NO. 18 OF 2021
IN
GUARDIANSHIP PETITION NO. 07 OF 2019**

In the matter of Aryan Anuresh Jain

Usha Sushil Gupta	.. Petitioner
And	
Aryan Anuresh Jain	.. Applicant

Mr.B.G. Saraf for petitioner.

**CORAM : N.J. JAMADAR, J.
DATE : 20th JANUARY 2021**

P.C.

1. This application is moved by Aryan Anuresh Jain for an order to release the amount which came to be deposited in terms of the order passed by this court in Guardianship Petition No. 7 of 2019 on 18th June 2019.

2. In Guardianship Petition No. 7 of 2019, Ms. Usha Sushil Gupta, the mother of the applicant Aryan had sought an order for appointment of the petitioner as a guardian of the properties of Aryan (then minor) and to authorize the petitioner to alienate the property, i.e., Flat No. B-304, 3rd floor, Rajendra Vihar CHS Ltd., Evershine Nagar, Malad (West), Mumbai 400064 for the consideration of Rs.

78,00,000/-. The said petition was allowed in terms of prayer clauses (a) to (e). The prayer clause (d) of the petition, with which we are primarily concerned, reads as under :

“(d) The 50% of the sale proceeds may be directed to deposit with the Accounts Officer, High Court, Bombay and the Accounts Officer, High Court, Bombay may be directed to invest the same in any Nationalised Bank under Fixed Deposit and the periodically interest may be given to the petitioner for the maintenance and education of the said minor till the minor attains the age of majority i.e. 18 years and after attains the age of majority, the amount deposited with the Accounts Officer, High Court, Bombay may be handed over to the minor after obtaining appropriate orders from the High Court.”

3. It is submitted that pursuant to the said order, an amount of Rs.39,00,000/- came to be deposited in this Court. A certificate of balance, issued by the Accounts Officer is annexed to the application. The certificate of balance reveals that there is a cash balance of Rs.1,95,771/- and a sum of Rs.39,00,000/- has been invested in a fixed deposit with Corporation Bank, Fort Branch, Mumbai, in the account of Aryan Anuresh Jain, the then minor.

4. It is submitted that Master Aryan was born on 30th January 2002 and has now attained majority. A copy of the birth certificate issued by the Municipal Corporation of Greater Mumbai is tendered for the perusal of the Court. It reveals that Aryan was born on 30th January 2002.

5. Since the applicant Aryan has attained the age of majority, the amount deposited with this Court along with interest accrued thereon is required to be paid to the applicant in terms of clause (d) of the petition, extracted above.

6. The application thus stands allowed. The Accounts Officer is directed to release the amount standing to the credit of the account of Aryan Anuresh Jain, as certified in the certificate of balance, along with interest accrued thereon in favour of Aryan Anuresh Jain on proper identification and in accordance with rules.

Judge's order is signed separately.

Shraddha
K.
Talekar

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[N.J. JAMADAR, J.]