

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

**GUARDIANSHIP PETITION NO.4 OF 2022**

**In the matter of:  
Tulika Kapildev Aggarwal (Minor)**

**Prabha Nandkumar Kharde                      .....Petitioner.**

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Ms Shilpa A. Joshi a/w Ms Radhika V. Warerkar for the petitioner.

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**CORAM : MANISH PITALE, J.**

**DATE : 4th October, 2022.**

**P.C. :**

1. Heard the learned Counsel for the petitioner.
2. By this petition filed under Guardians and Wards Act, 1890, the petitioner is praying for appointment as a guardian of the minor child namely Tulika Kapildev Aggarwal in respect of specific properties. The petitioner is the maternal grand mother of the minor. It is stated in the petition that the mother of the minor expired on 22.7.2016 and subsequently on 17.05.2021, father of the minor also expired at Bombay. It is stated that the paternal grand parents had already passed away and

therefore, there is no one else left, other than the petitioner to take care of the minor.

3. Notice under Section 11 of the said Act is dispensed with.

4. The petition is accompanied by an Undertaking wherein it is stated by the petitioner that she will protect the best interest of the minor Tulika in every possible manner.

5. It is stated in the petition that unless the petitioner is appointed as a guardian and specific directions are given to concerned banks and entities, the best interest of child will be difficult to be protected. Alongwith the petition, a schedule of properties is attached, which includes gold weighing 110.3 gms. lying with Catholic Syrian Bank Limited, Nahur branch, Saving Bank account with Kotak Mahindra Bank Limited, Lokhandwala branch in the name of the deceased parents of the minor and similarly shares and securities in Demat account with Kotak Mahindra Bank Limited in the name of the deceased father of the minor and shares and securities in Demat account with Nirmal Bang Securities Private Limited in the name of deceased father of the minor.

6. It is stated that if the prayers made in the present petition are granted, the petitioner would be able to take care of the interest of the minor. It is further stated that the minor has been under care and custody of the petitioner since the demise of her parents. It is further stated that the sister of the petitioner, who is a spinster, also lives with the petitioner, who can assist the petitioner in taking care of the minor.

7. Considering the contents of the petition and the documents filed therewith, this Court is satisfied that an appropriate order can be passed.

8. In view of the above, the petition is allowed in terms of prayer clauses (b) , ( c) , (d), (e), (f), (g) and (j).

(b) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declare the petitioner to be the guardian of the person of the minor Tulika Kapildev Aggarwal.

(c) This Hon'ble Court, in exercise of the jurisdiction conferred upon it declare the petitioner to be the guardian of the property of the minor Tulika Kapildev Aggarwal as described in the schedule annexed at Exhibit-N hereto;

(d) That the Catholic Syrian Bank Limited (CSB Bank), Nahur branch (Customer ID:7261920) be directed to handover 110.3 gms of gold lying with them to the petitioner as the guardian of the property of the minor Tulika Kapildev Aggarwal;

(e) That the Kotak Mahindra Bank Limited be directed to transfer the funds lying in the account of Kapildev Aggarwal and Shivani Kapildev Aggarwal i.e. savings bank no.09620060000430 in the account of petitioner as the guardian of the property of the minor Tulika Kapildev Aggarwal.

f) That the Kotak Mahindra Bank Limited be directed to transfer the Shares and securities lying in the Demat account of Kapildev Aggarwal in the account of petitioner as the guardian of the property of the minor Tulika Kapildev Aggarwal.

g) That Nirmal Bang Securities Private Limited be directed to transfer the shares and securities lying in the Demat account of Kapildev Aggarwal in the account of petitioner as the guardian of the property of the minor Tulika Kapildev Aggarwal.

j) That the Regional Passport office at Mumbai be directed to reissue the Passport for the minor Tulika Kapildev Aggarwal through the petitioner as the guardian.

9. The petition is allowed in above terms.
10. No order as to costs.
11. The petition is disposed of.

(MANISH PITALE, J.)