

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

GUARDIANSHIP PETITION NO.1 OF 2022

Thanush Prasad Sadamastula (Minor)

Arathi Harishchandra Wayal ... Petitioner.

Mr. Yogendra M. Kanchan YMK Legal for the petitioner.

CORAM : MANISH PITALE, J.

DATE : 4th October, 2022.

P.C. :

1. By this petition filed under the Guardians and Wards Act, 1890, the petitioner who is paternal aunt of the minor i.e. Master Thanush Prasad Sadamastula is praying for being appointed and declared as the guardian of the said minor in respect of movable and immovable properties of the deceased parents of the minor and to take care of the interest of the minor.

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

3. Learned Counsel for the petitioner has invited attention of this Court to the copies of Death Certificates of the parents of the minor. It is stated in the petition that the minor is in custody of his paternal aunt i.e. the petitioner. List of movable and immovable properties is given at Exhibit L. It is stated in the petition that the relatives of the deceased father of the minor have given their affidavits of No Objection to the petitioner to act as a guardian of the minor. The affidavits are on record and the Court has perused the same.

4. The petition states in detail movable and immovable properties belonging to the deceased father of the minor. It is stated that the petitioner is willing to take care of the minor after the death of his parents till he becomes major. In order to take care of the minor, the petitioner states that permission of this Court would be necessary to deal with the properties, particularly, the movable and immovable properties, which will have to be let out and proceeds would be utilized for the benefit of the minor.

5. The properties include LIC policies of the deceased parents of the minor, as also certain Mutual Funds, Fixed Deposits as also Saving bank

accounts and current account.

6. Having perused the contents of the petition and the documents filed therewith, this Court is satisfied that the petitioner is indeed willing to look after the minor. This Court thinks it appropriate, for the benefit of the minor, to appoint the petitioner as the guardian of the minor in respect of the properties stated in the schedule. This court is further satisfied that unless the prayers are granted, the petitioner will not be able to take care of the minor.

7. In view of the above, the petition is allowed in terms of prayer clauses (a), (b) and (c) which read thus:

(a) This Hon'ble Court be pleased to appoint and declare the Petitioner as the guardian of the said Minor Thanush Prasad Sadamastula in respect of the said aforementioned premises more particularly stated in the schedule (Exhibit L) of the above petition hereto without security and without remuneration to look after his welfare and interest and to protect the property until he attains the age of majority;

b) That this Hon'ble court be pleased to grant permission to the petitioner to let out residential premises being A/19 admeasuring 260 sq.ft (carpet) in Gorai (1) Arunoday Cooperative Housing Society Limited, situated at Plot No.1, road no.RSC-22, Gorai, Borivali (West), Mumbai-400 092 on rental basis to prospective Licenses and receive License fees for the interest of the said minor Thanush;

c) That the amount lying in saving account of banks and amount of claim of LIC Policy and proceeds of dematerialized shares be allowed to be deposited in any Nationalized Bank and the petitioner be allowed to withdraw the interest/dividends from time to time for using the same towards the educational and other incidence expenses of the minor;

8. No order as to costs.
9. The petition is disposed of in above terms.

(MANISH PITALE, J.)