

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN GUARDIANSHIP PETITION NO. 1 OF 2022
WITH
JUDGE'S ORDER NO. 100 OF 2022
IN
INDIAN GUARDIANSHIP PETITION NO. 1 OF 2022**

Sumukh Vinayak Rajadhyax and another	...	Petitioners
vs.		
Geeta Sumukh Rajadhyax		
@ Geeta Shibh Singh Saun	...	Respondent

Mr. Rakesh Kapoor i/by. Rakesh L. Kapoor & Co. for petitioners.

Ms. Vandana M. Chincholkar, Scrutiny Officer, Indian Council of Social Welfare.

Ms. Shonali Dighe, 1st Assistant Master/Chamber Registrar.

**CORAM : MANISH PITALE, J
DATE : 22nd DECEMBER, 2022**

P.C. :

. By this petition, the petitioners have invoked the provisions of the Guardians and Wards Act, 1890, for being appointed as the legal guardians of the person of minor, Master Daksh.

2. The petitioners got married on 18th August, 2019 and they have no biological children from this marriage. Both the petitioners were earlier married, but they later got divorced from their respective spouses. The

material placed on record shows that insofar as the petitioner No.1 is concerned, he stood divorced from his first wife by a judgment and decree dated 3rd March, 2018, passed by the 7th Family Court, Mumbai at Bandra. Insofar as the petitioner No.2 is concerned, her first husband deserted her and was not traceable for a period of more than seven years. Eventually, she had to approach the Family Court at Bandra and by a judgment and decree dated 7th June, 2019, she stood divorced from her first husband. The petitioner No.2 is the biological mother of the minor and she has given her consent for the petitioner No.1 alongwith her to be appointed as the guardians of the minor. The proof of age, medical certificates and proof of residence have been placed on record alongwith the petition.

3. The minor male child was born on 28th June, 2005. It is specifically stated in paragraph No.5 of the petition that petitioner No.2, who is the biological mother has terminated the natural guardianship with the said child and she has given her consent for the present petition to be allowed in terms of the prayer made therein.

4. It is also stated in the petition that there is no other guardian of the person or property of the child and that therefore, this Court may be pleased to allow the petition, in the interest and welfare of the child. The petitioners have undertaken to take care of all the needs of the child, including his education and other needs. It is brought to the notice of this Court that the petitioner No.1 has his own architectural firm at Wadala at Mumbai. The gross income of the petitioner No.1 is about Rs.20 lakhs per annum. Income certificate issued by the Chartered Accountant is placed on record. The petitioner No.2 is a home-maker, who takes care of the minor child.

5. This Court interacted with the petitioners and the minor child and it is evident that the child has adjusted with the petitioner no.1 and that therefore, the present petition can be allowed in the interest of justice.

6. The Scrutiny Officer, Indian Council of Social Welfare has submitted a report as per the recognized procedure. The said report is taken on record and marked 'X'. The report confirms the fact that the petitioners are indeed medically fit to pursue the prayers made in the present petition and that the petitioner No.1 is financially sound to take care of the needs of the minor child.

7. Accordingly, the petition stands allowed in terms of prayer clauses (a) and (c), which read as follows:

“(a) That this Hon’ble Court may be pleased to appoint the Petitioners as legal guardians of person of the said male minor DAKSH, now in care and custody of the Petitioners.

(c) That the Petitioners may be granted leave to remove the said minor from the jurisdiction of this Hon’ble Court and to take the minor out of the jurisdiction of this Hon’ble Court whenever required.”

8. The Judge’s order is separately signed.

(MANISH PITALE, J)

Priya Kambli