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

GUARDIANSHIP PETITION NO.1 OF 2024

Vincy Cajetan Noronha ...Petitioner

Versus

Steffi Genovena Fernandes ...Respondent

WITH

GUARDIANSHIP PETITION NO.2 OF 2024

Steffi Genovena Fernandes ...Petitioner

Versus

Chidambaram P. Sankaram ...Respondents

Arshad Shaikh, Senior Advocate, Susan Abraham and Poojasri Ganesan for the Petitioner in GP No.1 of 2024 and Respondent in GP No.2 of 2024.

Ketan Dabke, for the Petitioner in G.P. No.2 of 2024 and Respondent in GP No.1 of 2024.

Pallavi Upadhyay, Representative of Defendant No.5 is present.

CORAM : R.I. CHAGLA J.

DATE : 29TH APRIL, 2024.

ORDER :

1. The amendment application which had been originally filed before the District Court, Thane and marked as Exhibit 10 was

restored by an order dated 24th April, 2024 by recalling the orders dated 8th January, 2024 and 23rd January, 2024 which had allowed the amendment application.

2. The amendment application has thereafter been heard and during the hearing, Mr. Sorankar has stated on instructions that in the event the amendment application was withdrawn and the Petitioner in Guardianship Petition No.1 of 2024 filed a separate Guardianship Petition under Section 7 of the Guardians and Wards Act, 1890, the Petitioner will not object to the filing of the same.

3. In view thereof, Mr. Arshad Shaikh, the learned Senior Advocate appearing for the Petitioner in Guardianship Petition No.1 of 2024 seeks leave to withdraw the amendment application with liberty to file fresh Guardianship Petition under Section 7 of the Guardians and Wards Act, 1890 and that the fresh Guardianship Petition be heard along with Guardianship Petition No.1 of 2024 and Guardianship Petition No.2 of 2024 which has been filed by the Respondent.

4. Accordingly, leave is granted. Amendment Application

which was restored to file by an order dated 24th April, 2024 is disposed of as withdrawn with liberty to the Petitioner in Guardianship Petition No.1 of 2024 to file a fresh Guardianship Petition under Section 7 of the Guardians and Wards Act, 1890 and which shall be heard along with Guardianship Petition No.1 of 2024 as well as Guardianship Petition No.2 of 2024.

5. Liberty to the Petitioner in the Guardianship Petition No.1 of 2024 to move the fresh Guardianship Petition filed under Section 7 of the Guardians and Wards Act, 1890 with e-filing number.

6. It is made clear that though the amendment is still reflected in Guardianship Petition No.1 of 2024 which amendment concerns the Guardianship Petition being filed under Section 7 of the Guardians and Wards Act, 1890, the amendment has been disallowed by recalling of the orders 8th January, 2024 and 23rd January, 2024, passed by the District Court, Thane allowing the amendment. Accordingly, the Guardianship Petition No.1 of 2024 as originally filed shall be considered along with the fresh Guardianship Petition which has been allowed to be filed under Section 7 of the Guardians

and Wards Act, 1890 by this Order.

7. Liberty to the parties to file further Interim Application for protem relief for ensuing vacation.

8. The above Guardianship Petitions shall be listed on 8th May, 2024 at 12.30 p.m.

[R.I. CHAGLA J.]