

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN GUARDIANSHIP PETITION NO. 4 OF 2024
WITH
JUDGE'S ORDER NO. 160 OF 2024
IN
INDIAN GUARDIANSHIP PETITION NO. 4 OF 2024**

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**Dipak Hari Mahadik and Darshana ...Petitioners
Dipak Mahadik**

And

Shruti Kondiba Kamble ...Respondent

Mr. R.K.L. Kapoor i/b M/s. R.K.L. Kapoor and Co. for the
Petitioners.

Mr. O. Hareendran, Scrutiny Officer-ICSW, Present.

Mr. D.S. Gurav, Chamber Registrar, Present.

Mr. Dipak Hari Mahadik and Darshana Dipak Mahadik -
Adoptive Parents alongwith Minor Shravan, Present in
Chamber.

Ms. Shruti Kondiba Kamble- Biological Mother, Present in
Chamber.

CORAM : R.I. CHAGLA, J.

DATE : 11th DECEMBER, 2024

ORDER :

1. By this Indian Guardianship Petition, the Petitioners have sought for their appointment as guardian of the male minor Shravan ("the said male minor") born on 24th February, 2024 at S.P. Nursing Home and Polyclinic, Mumbai. The said male minor is the biological son of the Respondent, namely, Shruti Kamble. The said male minor was born outside of wedlock and illegitimately to the Respondent. The child's putative father refused to take on any responsibilities of the said male minor and left her and the child. Since the child was born illegitimately, the Respondent (biological mother) being very young and unprepared to bring up the said male minor child with no means of support from any relative, relinquished the said male minor child to the Petitioners.

2. The Respondent and the Petitioners are close family friends. The Respondent handed over the said male minor to the said Petitioners on 19th March, 2024. The Petitioners have now decided to take the said male minor in legal guardianship with the consent of the Respondent and

have accordingly filed Guardianship Petition in this Court.

3. The consent affidavit of the Respondent (biological parent) is on record at page Nos. 31-86 to the Petition.

4. The Foster Care Agreement dated 19th March, 2024 is on record at page Nos. 87-93 to the Petition.

5. The Birth Certificate dated 30th May, 2024 of the said male minor issued by the Municipal Corporation of Greater Mumbai D Ward is on record at Page No. 94 to the Petition.

6. The Petitioners are Indian Nationals residing at Kurla West, Mumbai, aged about 53 and 49 years respectively. They have been married for the past 29 years (24th March, 1995) and have no biological children.

7. The Medical Fitness certificates of the Petitioners dated 1st October, 2024 is on record and it states that they

are clinically and physically fit. Their HIV and HBsAg test reports certify the case as Non-reactive. These reports are on record at page Nos.25-28 to the Petition.

8. The motivation letter of the Petitioners is on record at page No.29 to the Petition.

9. The Petitioner No.1 is self-employed (Four Wheeler Driver) and his monthly income is Rs.25,000/-. His Income Affidavit is on record at page Nos.36-42 to the Petition. The Petitioner No.2 is a Homemaker.

10. The proof of Residence, copies of PAN and Aadhaar and Supportive Financial Documents are on record at page Nos.30-35 and 43-64 to the Petition.

11. The Home Study Report dated 13th October, 2024 by the Social Worker Mrs. Anupama P. Gangan, M.A. B.Ed, MSW has found the Petitioners suitable for taking the said male minor Shravan in guardianship. This report is at page Nos.65-69 to the Petition.

12. The Reference/Recommendation letters from close friends are on record at page Nos.70-77 to the Petition.

13. The child Security undertaking dated 15th July, 2024 given by the 1st Petitioner's Nephew and his wife residing at Diva Dist. Thane to look after the said male minor in case of any mishap to the Petitioners is on record at page Nos.78-82 to the Petition.

14. The Medical Certificate dated 10th October, 2024 of the said male minor is on record at page No.95 to the Petition. It states that he is not suffering from any infectious disease or congenital disease and is medically fit. The Post Card Size photograph of the said male minor is on record at page No.96 to the Petition.

15. The consent and undertaking of the Petitioners is on record at page No.95 to the Petition. It states that they have consented to the legal guardianship. Further, they undertake to do all such acts, deeds and things as may be

necessary in the interest of the mental and physical welfare of the said male minor.

16. Mr. O. Hareendran, Scrutiny Officer has tendered Report/Representation from the Indian Council of Social Welfare (ICSW) dated 9th December, 2024, which is taken on record and marked 'X' for identification.

17. Having considered the material on record as well as the Report of Scrutiny Officer dated 9th December, 2024 marked 'X', the relief sought for in the Petition requires to be granted.

18. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (c) of the Petition, which read thus:

"(a) That this Hon'ble Court may be pleased to appoint the Petitioners as legal guardians of person of the said male minor Shravan, born on 24th day of February, 2024.

(b) That the Notice under Section 11 of the

Guardians and Wards Act, 1890 is dispensed with.

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

19. In the Judge's Order there is an undertaking of the Petitioners to adopt the said minor within two years of their guardianship as per the judgment dated 27th October, 1999 of the then Hon'ble Justice Shri F. I. Rebello (2000 All Mr 39). Further, the Petitioners have undertaken to invest an amount of Rs.1,00,000/- (Rupees One Lakh Only) in the name of the said minor in any Nationalized Bank. These undertakings are accepted as undertakings to this Court.

20. The Judge's Order is also accepted and separately signed.

21. The Indian Guardianship Petition is accordingly disposed of.

22. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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