



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8934 OF 2025

Asha Ramesh .. Petitioner
versus
State of Maharashtra and Anr. .. Respondents

Adv. M Ramesh, for the Petitioner.

Adv. Ms. Tejas Kapre, for the Respondent-State

CORAM: MANJUSHA DESHPANDE, J.

DATE : 9th JULY, 2025

PC:-

1. The Petitioner is a mother and legal guardian of her daughter, Sharada @ Mridula Ramesh, who is presently 33 years old and suffers from Down syndrome. The Petitioner has been appointed as the legal guardian of her daughter under Sections 14 and 15 of the National Trust Act, 1999, to provide her personal care as well as to manage her immovable and movable properties. The alimony, which was granted in favour of the Petitioner's daughter of Rs. 53,85,923/-, which was deposited in the Family Court, Bandra, Mumbai, was kept

in a fixed deposit since August 2011. Family Court, Bandra, Mumbai, has directed Respondent No.2 - Husband to deposit Rs. 50,00,000/- as permanent alimony for the future security of the daughter. According to the Petitioner, after divorce, Respondent No.2 has remarried and has his own family.

2. Apprehending that there may not be anybody to safeguard and manage the assets of her daughter, the Petitioner proposed to set up a Trust fund for the benefit of her daughter after obtaining necessary permissions/approvals from the authorities. The Petitioner is also desirous to settle all her assets as well as those of her daughter, including her pension/family pension, in favour of the proposed Trust fund. It is her apprehension that if she does not do so, Respondent No.2 may get himself appointed as legal guardian after her demise, and thereafter, he may neglect to take care of her daughter. On this background, the Petitioner filed an Application before Family Court No.3, Bandra, Mumbai on 12th December 2018.

3. The Family Court, Bandra, Mumbai has rejected the Application filed by the Petitioner on the ground that the Petitioner has not pointed out a specific reason by demonstrating the legal

necessity for disbursement of huge amount which has been invested in the fixed deposit for the welfare and security of the Applicant. The only reason mentioned in the Application is the needs of the Applicant and to enable her mother to discharge her duties properly. According to the Judge, this cannot be valid reasons for the release of such a huge amount.

4. It was also observed in the order that during the arguments, it is stated that the mother has not utilised the amount of Rs. 20,000/- per month paid by the Respondent as maintenance to the Applicant. A sum of Rs. 78,28,237/- is still lying in the savings account, PPF account and mutual fund investment account of the Applicant.

5. Considering that the present Petitioner is working as a Superintendent in the GST Department and is also drawing a salary of Rs. 1,20,000/- per month, it was held that the salary is sufficient for taking care of the needs of the Applicant. Considering the financial capacity of the Petitioner, the Application of the Petitioner has been rejected.

6. During the arguments, it is brought to the notice of the Court that the Petitioner is the guardian of the Applicant and has no other

near relatives who will take care of the Applicant after her. Therefore, in order to secure her future, she is desirous of setting up a Trust fund and in view thereof, she has filed the Application. It is also pointed out that the amount of fixed deposit of Rs. 50 Lakhs, is still lying in the Family Court. During the intervening period, the Family Court closed the FD account and remitted the amount to the Government as an unclaimed amount. After constant follow-up on the matter for six months, the principal amount came to be reclaimed from the Government. However, there was no interest received on the said amount for the intervening period of six months. In order to avoid any such contingencies in the future, the Petitioner wants to set up a Trust fund for her daughter. All these facts, which have been narrated in the present Writ Petition, do not seem to have been averred in the Application made before the Family Court.

7. Therefore, in my opinion, it would be appropriate if the Petitioner approaches the Family Court with a detailed application demonstrating the urgency and need for setting up the Trust fund.

8. Learned Advocate for the Petitioner, upon instructions of the

Petitioner who is present in the Court, submits that he seeks liberty to withdraw the present Writ Petition with further liberty to file a fresh Application before the Family Court by demonstrating the needs for setting up the Trust fund.

9. Accordingly, liberty is granted. The Writ Petition is allowed to be withdrawn.

10. The Petitioner is at liberty to file a detailed Application before the Family Court, which will be considered by the Family Court and decided within a period of 3 months from the date of filing of such Application.

11. In view of the above observations, the Writ Petition stands disposed of as withdrawn.

[MANJUSHA DESHPANDE, J.]