

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIAN PETITION NO. 24 OF 2024**

In the matter of Guardianship and
Wards Act

And

In the matter of Master Nadar
Nathan Augusteen ... Minor

Ganapushpam Nadar ... Petitioner

.....
Ms. Rashmi Parmar, Advocate for the Petitioner.
.....

CORAM : ABHAY AHUJA, J.

DATE : 9 JANUARY 2025

PC. :

1. Ms. Parmar, learned Counsel, appears for the Petitioner and submits that this Petition seeks not only guardianship of a minor son without remuneration and security, but also permission to sell the minor's share in the property bearing Flat No.302 at Charkop.

2. It is submitted that the said property at Charkop was owned 50% by her deceased husband and father of the minor and 50%

by the father of the deceased. It is submitted that the deceased husband did not leave any Will.

3. Ms. Parmar draws the attention of this Court to the consent Affidavit filed by the father of the deceased viz. Mr. Jabamani Chelliah Muttaiya Nadar which only states that he has no objection if the Petitioner, who is the mother, is appointed as the guardian of the minor and to the properties of the minor.

4. Since the father of the deceased viz. Mr. Jabamani Chelliah Muttaiya Nadar who is also stated to be 50% owner of the Charkop flat alongwith the deceased who held 50% of share therein, in my view, letters of administration/heirship certificate would have to be obtained before the Petitioner is appointed as guardian without remuneration and without security of the properties of the minor mentioned in Schedule-I to the Petition.

5. Ms. Parmar accordingly requests that the Petition be removed from board, with liberty to apply after obtaining the letters of administration.

6. Accordingly, remove from board with liberty as prayed for.

(ABHAY AHUJA, J.)