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

GUARDIANSHIP PETITION NO. 24 OF 2024

Ganapushpam Nadar

.. Petitioner

Adv. Rashmi Parmar for the Petitioner.

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: NOVEMBER 17, 2025

P. C.

1. This Guardianship Petition has been filed by the Petitioner for being appointed as a guardian of the person and property of Master Nadar Nathan Augusteen, her son, who is a minor (hereinafter referred to “Nathan”).

2. The father of Nathan and the husband of the Petitioner, Augusteen Chelliah Nadar, passed away on 14th March, 2021. The deceased Augusteen Chelliah Nadar has left behind the Petitioner and Nathan as his legal heirs.

3. The present Petition has been filed by the Petitioner for protecting the properties of the deceased. The Petitioner desires to be appointed as the guardian of the properties of Nathan mentioned in Schedule I of the Petition and other properties which may not be mentioned in the Schedule. The Petitioner further submits that, in the light of the passing away of the father of Nathan, she is entitled to be appointed as the guardian of

Nathan. The Petitioner has also stated that the paternal grandfather of Nathan, viz. Jabamani Chelliah Muttaiya Nadar, and the paternal grandmother of Nathan, viz., is Glory Chelliah, have given their consent cum no objection for appointment of the Petitioner as the guardian of the person and property of the minor.

4. Further, by this Petition, the Petitioner has also sought permission to sell the minor's share in Flat No. 302, admeasuring about 875 square feet built-up area, on the third floor of the building known as Charkop Kumkum, belonging to Charkop Kumkum Co-operative Housing Society Ltd., situated at Plot No. 12, Road No. RDP-1, Sector-2, Charkop, Kandivali (West), Mumbai – 400067 (hereinafter referred to as “the said Flat”).

5. The permission to sell the said Flat is sought in order to pay off the loans taken by the Petitioner, in respect of another flat, from the HDFC Bank.

6. After this Petition was filed, by an Order dated 9th January, 2025, passed by this Court, this Court held that letters of administration/ heirship certificate would have to be obtained in respect of the estate of the father of Nathan, before the Petitioner is appointed as the guardian of the person and properties of the minor.

7. Further, by an Order dated 20th September, 2025 passed by this Court, Legal Heirship Certificate was issued certifying that the Petitioner and Nathan were the only heirs and legal representatives of the deceased father.

- 8.** The Petitioner has also sought dispensation of the notice under Section 11 of the Guardian and Wards Act 1980.
- 9.** In my view, since the Petitioner is the biological mother of Nathan, and the biological father of Nathan has passed away, and the paternal grandfather and grandmother of Nathan have given their no objection for appointment of the Petitioner as the guardian of Nathan, for the reasons stated in the Petition, the Petitioner is required to be appointed as a guardian of the minor Nathan.
- 10.** Further, since, the Petitioner seeks to sell the said Charkop Flat in order to pay the loans taken by the Petitioner in respect of another flat from HDFC bank, the sale of Nathan's interest in the said flat can be permitted.
- 11.** Further, since the Petitioner is the biological mother of Nathan, and the biological father of the minor has passed away, notice under Section 11 of the Guardian and Wards Act, 1980 can be dispensed with.
- 12.** For all the aforesaid reasons, the Petition is allowed in terms of prayers (a) and (b).
- 13.** There will be no order as to costs.

[FIRDOSH P. POONTWALLA, J.]