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

GUARDIANSHIP PETITION NO.6 OF 2025

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Bina Surendra Mitra

...Petitioner

And

Ms. Rina Mitra

...Ward

Mr. Jitendra Ranawat i/b. Mr. Amit Ghurye for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 18TH JUNE, 2025.

ORDER :

1. By this Guardianship Petition, the Petitioner is seeking her appointment as guardian for her sister namely Ms. Rina Sudhindra Nath Mitra (hereinafter referred to as the 'the said Ward') and to look after her person and moveable property. Further, relief is sought to permit the Petitioner to use and spend the Ward's moveable property for medical treatment and other miscellaneous expenses for betterment and upbringing of the said Ward.

2. The Petitioner has stated that the said Ward is

unmarried. She is suffering from intellectual disability since birth and is incapable of managing herself. The Petitioner has annexed at Exhibit A, the copies of the Disability Certificate and Unique Disability ID of the said Ward. The Disability Certificate states that the said Ward is suffering from mild intellectual disability and a 50% permanent disability in relation to her brain as per the guidelines for the purpose of assessing the extent of specified disability in a person included under RPwD Act, 2016.

3. Further, the Petitioner, the said Ward, Jaya Raychaudhary and Jeetendra Nath Sudhindra Nath Mitra are daughters and son of late Krishna Sudhindra Nath Mitra who died at Thane on 16th November, 2023 and late Sudhindra Nath Mitra also died on 31st January, 2024 at Thane. Copies of the death certificates have been annexed at Exhibits 'C' and 'D' to the Petitioner.

4. The Petitioner has stated that the deceased father of the said Ward left behind the Will dated 18th July, 2022. The said Will has been duly registered with the Office of Joint Sub Registrar of Assurances of Thane under document registration No.TNN2-16337-2022 on 18th July, 2022. The copy of the said Will is annexed at

Exhibit 'E'.

5. The Petitioner has stated that there is no dispute between the Petitioner and her siblings regarding the validity of their father's Will. The Petitioner states that as an executor of the said Will, she has already transferred Rs.75,00,000/- (Rupees Seventy five lakh only) to her sister Jaya Raychaudhary and Rs.25,00,000/- (Rupees Twenty five lakh only) to her brother Jeetendra Nath Sudhindra Nath Mitra. The Petitioner has stated that she is also in process of transferring remaining properties of her late father as per the bequest made under the said Will.

6. The Petitioner has stated that under Clause 9 of the said Will, the said Ward's father had bequeathed Rs.50,00,000/- (Rupees Fifty lakh only) to the said Ward. Further, the late father during his lifetime had invested in LIC Policy bearing No.938139953 Rs.75,00,000/- (Rupees Seventy five lakh only) in the name of the said Ward. The copy of LIC Policy and schedule of property are annexed at Exhibits 'G' and 'H' to the Petition.

7. The Petitioner states that in order to avoid depreciation

of moveable property of the said Ward, she has invested an amount of Rs.50,00,000/- along with her moveable property of Rs.20,00,000/- (Rupees Twenty lakh only) in fixed deposit. The Petitioner has referred to the details of the Fixed Deposit account standing in the name of the Petitioner and said Ward. The Petitioner has in paragraph 8 of the Petition given the particulars of her siblings.

8. The Petitioner has stated that she seeks to apply for Guardianship of the said Ward in respect of moveable property i.e. Rs.50,00,000/- (Rupees Fifty lakh only) devolved on her by virtue of her late father's Will and also in respect of LIC Policy No.938139953 standing in the name of the said Ward.

9. The Petitioner has stated that she seeks to invest the moveable properties of the said Ward as per the directions of this Court. She also seeks to spend moveable property of the Ward for her welfare and personal expenses to be borne on her upbringing.

10. The Petitioner has stated that the said Ward is residing with and under the care of the Petitioner and that the Petitioner is

taking care of the welfare of the said Ward. The other surviving sister and brother of the said Ward have filed their no objection certificate and Affidavit to renounce Guardianship and which is annexed at Exhibit I collectively to the Petition.

11. The Petitioner states that she is desirous to act as a guardian of the said Ward and she has no interest directly or indirectly adverse to that of Ward. The Petitioner states that she is willing to become guardian of the Ward's person and moveable property out of natural love and affection towards her sister without any remuneration and royalty. The Petitioner is working as an Electrical Engineer and is currently working with a renowned company in Mumbai and is financially sound having approximate monthly income of Rs.2,50,000/-.

12. I have considered the averments in the Petition as well as noted the fact that the said Ward is suffering from mild intellectual disability and a 50% permanent disability in relation to her brain as borne out from the Disability Certificate issued by the medical Authority, Nagpur, Maharashtra. Accordingly, the present Petition is maintainable under Section 7 of Guardians and Wards Act, 1890

although the said Ward has attained majority.

13. The Petitioner has made out a case in the Guardianship Petition for the being appointed as guardian, particularly considering that the other siblings of the Petitioner have filed their Affidavit to renounce Guardianship. The said Ward is residing with the Petitioner who is looking after the said Ward's welfare and taking care of her medical treatment and other miscellaneous expenses for betterment and upbringing of the said Ward out of natural love and affection. The Petitioner has sought permission to use and spend the Ward's movable property which has been left by her father for her medical treatment and other miscellaneous expenses for betterment and upbringing of the said Ward.

14. In view thereof, the relief prayed for by the Petitioner in prayer Clauses 17(i), (ii) and (iii) is granted, and which read as under:-

(i) This Hon'ble Court be pleased to appoint the Petitioner as Guardian of Ward abovenamed to look after her's person and moveable property.

(ii) That this Hon'ble Court be pleased to permit the Petitioner to use and spend the Ward's moveable property for her medical treatment and other miscellaneous expenses for the betterment and upbringing of the said Ward.

(iii) This Hon'ble Court may be pleased to permit Petitioner to manage moveable property of the said Ward for betterment and welfare of the said Ward.

15. The Guardianship Petition is accordingly disposed of.
16. There shall be no order as to costs.

[R.I. CHAGLA J.]