

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

GUARDIANSHIP PETITION NO.14 OF 2025

Sushma Shreekant Koradia

.. Petitioner.

Adv. Dinesh P. Bhatia, for the Petitioner.

Digitally signed
by SMITA
RAJNIKANT
JOSHI
Date:
2025.11.15
16:27:57 +0530

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 14th NOVEMBER, 2025.

P C:-

1 This Guardianship Petition has been filed for appointment of the Petitioner as the Guardian of her daughter Nidhi Shreekant Koradia (herein after referred to as “Nidhi”).

2 The Petitioner’s husband Shreekant Koradia passed away on 18th July, 2021.

3 It is the case of the Petitioner that, since birth, Nidhi is suffering from mental retardation and slow physical development. Due to her said condition, she was not able to complete her schooling. The Petitioner has attached to the Petition a Certificate issued by the Sir J. J. Group of Hospitals and Grant Medical College, Mumbai, stating that Nidhi is suffering from mental retardation and that the said condition is permanent, non-progressive and is not likely to improve.

4 Considering that Nidhi is incapable of managing her affairs and since her mental condition is irrevocable and irreversible, Nidhi is not capable of meeting the ordinary demands of life and take decisions for her physical and mental welfare. Nidhi is also unable to earn any livelihood and is entirely dependent on the Petitioner. Nidhi needs special medical care and supervision due to her condition. Nidhi currently owns certain moveables assets which are more particularly described in Exh. E to the Petition.

5 The Petitioner is a homemaker. The Petitioner lives with Nidhi and her son. The Petitioner is taking care of Nidhi and her daily needs. Nidhi is in constant custody and care of the Petitioner, especially after the death of the father of Nidhi, and also since the son of the Petitioner is currently working and, therefore, cannot give ample time to Nidhi.

6 The Petitioner has further stated that she has spent more than Rs.15,00,000/- till date towards taking care and medical expenses of Nidhi. The Petitioner states that there is a '*Nidhi Trust*' which was established under an irrevocable Deed of Settlement dated 24th November, 1992, executed by Smt. Deepa Sushilkumar Mardia as the Settlor, with trustees Shri Javahar Fulchand Koradia (deceased), Shri Shreekant Javahar Koradia (deceased) and the Petitioner for the exclusive benefit of Nidhi. Shri Javahar Fulchand Koradia passed away on 18th May, 2018 and Shreekant J. Koradia passed away on 18th July, 2021.

7 The Trust Deed was duly submitted to Bank of India (Bullion Exchange branch), where the account titled as "*Nidhi Trust*" is maintained more particularly bearing Account No. 00081010001532.

8 Following the demise of trustee, Shri Shreekant Javahar Koradia, the aforesaid Bank of India has refused to allow operations of the trust account, citing the need for formal guardianship to facilitate transactions and ensure the smooth administration of the account. Despite the Trust Deed explicitly outlining Nidhi's entitlement, the bank has imposed restrictions, obstructing access to funds meant for Nidhi's financial security and welfare.

9 The Petitioner is, therefore, also seeking guardianship for the purpose of facilitating access to the account belonging to Nidhi. The Petitioner states that all funds lying in the said bank account will be used for the benefit of the Nidhi. In these circumstances, the Petitioner has filed the present Petition.

10 The Petitioner has filed an Affidavit of her son Harshil S. Koradia, stating that he has no objection to the Petitioner being appointed as the guardian of the person and property of Nidhi.

11 In my view, the Petitioner is required to be appointed as the guardian of Nidhi. As stated in the Medical Certificate issued by Sir J. J. Group of Hospitals and Grant Medical College, Mumbai, Nidhi is suffering from mental retardation and that the said condition is permanent, non-progressive and is not likely to improve. Therefore, it is obvious that Nidhi is unable to take care of her person and property. Further, the Petitioner is also required to be appointed as a guardian for the purpose of the '*Nidhi Trust*' and for operating the said bank account with the Bank of India. The Petitioner, as stated herein above, has filed the consent

Affidavit of her son, stating that he has no objection to the Petitioner being appointed as guardian to the person and property of Nidhi.

12 For all the aforesaid reasons, this Petition is allowed in terms of prayer clauses (a), (b) and (c) which read as under:-

“(a) This Hon'ble court be pleased to pass an order appointing and declaring the Petitioner as the guardian of Nidhi Koradia in respect of her person and in respect of her properties including the properties as enlisted in Exhibit E of the present Petition and take all such decision necessary and incidental for the welfare, benefit and properties of Nidhi S. Koradia without any security or remuneration enlisted in Exhibit E and utilize the proceeds if any, from Nidhi S. Koradia share in properties solely for the benefit, welfare and upkeep of Nidhi S. Koradia;

(b) That this Hon'ble Court be pleased to allow the Petitioner as the guardian for the purpose of facilitating access to and operation of the account titled as "Nidhi Trust", maintained with Bank of India (Bullion Exchange Branch), Account No. 00081010001532;

(c) That this Hon'ble Court be pleased to order and direct direct Bank of India (Bullion Exchange Branch) to permit the Petitioner to access and operate the account titled as "Nidhi Trust", maintained with Bank of India (Bullion Exchange Branch), Account No. 00081010001532”

13 There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)