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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 15 OF 2025**

Haroun Aleem Yusuf

.. Petitioner

Versus

Umbereen Hasan Mitha (minor)

.. Respondents

**Adv. Rayomand Zaiwala a/w Adv. Kajal Wadhwana for the, Petitioner.
None for Respondents.**

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: OCTOBER 15, 2025

P. C.

1. This Guardianship Petition has been filed by the Petitioner Haroun Aleem Yusuf for being appointed as the guardian of one Ms. Umbereen Hasan Mitha (hereinafter referred to as “Umbereen”). The mother of Umbereen passed away on 17th December, 2018. After that Umbereen was looked after by her brother, Mr. Faheem Hasan Mitha, who also passed away on 18th June, 2025. In the light of passing away of the mother and brother of the deceased, the Petitioner, who is Umbereen’s maternal cousin, has filed this Petition for being appointed as the Guardian of Umbereen.

2. Umbereen is aged about 60 years and is presently bedridden and suffering from severe neurological impairment, with a brain function of almost 15%, and 85% disability. She is unable to manage her personal, legal,

and financial affairs and requires continuous care. The Petitioner has annexed as Exhibit 'A' to the Petition a Certificate granted by the Government Medical College and Sir. J.J. Group of hospitals certifying that Umbereen is a case of mental illness, that the diagnosis in her case is Schizophrenia and that she has 85% disability.

3. It is also the case of the Petitioner that Umbereen is a beneficiary of a family trust known as Sir Mohamed Yusuf Trust and the Petitioner is the Chairman of the Mohamed Yusuf Trust. Umbereen is paid Rs. 43,746/- per month as a beneficiary of Sir Mohamed Yusuf Trust. However, her monthly expenses, including the cost of two 24/7 nurses, cook and food and maintenance, including diapers and medicines, is totally around Rs. 1,80,000 a month, which is paid by the trustees of the Sir Mohamed Yusuf Trust since June, 2025, after the untimely death of her brother in cancer. The Petitioner further states that in order to look after the welfare of Umbereen all the Trustees of Sir Mohamed Yusuf Trust have decided by a resolution to appoint the youngest Trustee amongst them (in this case being the Petitioner who is the Chairman of the trust) as her guardian in order to protect her welfare and interest as the other Trustees of Sir Mohamed Yusuf Trust are all in their 80s. A resolution passed by the Trustees of Sir Mohamed Yusuf Trust, seeking to appoint the Petitioner as the guardian of Umbereen is also annexed as Exhibit 'E' to the Petition.

4. In my view, considering the medical condition of Umbereen, and especially since she is suffering from Schizophrenia and having 85% disability, it is very clear that Umbereen is unable to make her own decisions and, therefore, it would be just and necessary that the Petitioner be appointed as her legal guardian. As mentioned earlier, there is no other near relative who is interested in the guardianship of Umbereen.

5. In these circumstances, and for all the aforesaid reasons, I passed the following order :

- a) The Petitioner is appointed as the legal guardian of the person and estate of Umbereen Hasan Mitha.
- b) The Petitioner is permitted to take all necessary decisions for the care, treatment, residence, maintenance and over all welfare of Umbereen Hasan Mitha, including medical and financial decisions.
- c) The Petitioner is authorized to manage and administer all movable and immovable properties, bank accounts, investments and other assets belonging to Umbereen Hasan Mehta, and to operate the same solely in her interest.
- d) The Petitioner is directed to maintain true and correct accounts of all the income, expenditure and transactions made on behalf of Umbereen Hasan Mitha and to submit the same to this Court once in every six months.

e) The Guardianship Petition is accordingly disposed of,
there will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]