

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

GUARDIANSHIP PETITION NO. 3 OF 2026

Anand Chawla & Anr.

...Petitioners

V/s.

Lisbon John Miranda

...Respondent

Mr. Rashmin Khandekar a/w. Mr. Pranav Nair a/w. Mr. Jay Joshi a/w. Ms. Vishakha Patel i/b. I R. Joshi & Co. for Petitioners.

Ms. Shanaya Chawla (minor) present in person in chambers

CORAM: FARHAN P. DUBASH, J.

RESERVED ON : 5th FEBRUARY 2026

PRONOUNCED ON : 11th FEBRUARY 2026

P.C:

1. The present Guardianship Petition (*filed on 26th November 2025*) seeks the appointment of the Petitioners, Anand Chawla and his wife, Nisha Chawla, uncle and aunt respectively of the minor, Angelina Miranda *alias* Shanaya Chawla (**minor**), as her Guardians, under the provisions of the Guardians and Wards Act, 1890 (**Act**), upon the demise of the erstwhile guardian, Rajan Chawla on 30th August 2025, thereby leaving the minor, without any legally appointed guardian.

2. Rajan Chawla, the maternal grandfather of the minor and father of Petitioner No.1, was previously appointed as the guardian of the minor by this Court

vide order dated 6th December 2012 in Guardianship Petition No.25 of 2012, following the demise of the minor's biological mother / his daughter, Bindiya, who was murdered by her own husband, the Respondent (biological father of the minor) and for which, he has since been convicted vide order 28th October 2014 passed by Sessions Court. At that time, the Respondent had tried to contest the guardianship of the minor whilst he was in custody, through his sister by filing a petition and multiple appeals, all of which came to be dismissed, in light of his said conviction. At that time, the minor was only 3 years and since the demise of her mother, Bindiya, the minor has resided with her grand-father, Rajan Chawla and the Petitioners.

3. Mr. Khandekar, learned counsel who appears on behalf of the Petitioner, points out that the minor is presently 16 years old and has been residing with the Petitioners since she was 3 years old. He submits that for all practical purposes, the minor has always considered and treated the Petitioners as her parents since they have raised her and looked after her since the past 13 years. He asserts that the Petitioners are highly educated and financially sound and therefore, able to provide for the well-being of the minor and ensure that the minor has a family and is well looked after since they treat the minor as their own daughter. He further points out that the Petitioners would take utmost care of the minor and provide her with the best opportunities that they can offer, out of pure love and affection towards the minor, with a view to ensuring that she has a bright future and gets every

opportunity to excel in life.

4. Mr. Khandekar submits that the Respondent is unfit to be appointed as the guardian of the minor as he is currently serving a sentence of life imprisonment, and therefore has no livelihood or residence. Additionally, he has been absent for most of the minor's life, viz. since the past 13 years, and the minor does not wish to be associated with the Respondent considering the events that have transpired and moreso, since, the minor witnesses the gruesome act in person. He therefore submits that notice under Section 11 of the Act be dispensed with, in the peculiar facts of the present case.

5. In support of this said submission, reliance is placed upon the decision of the Supreme Court in ***ABC vs State (NCT of Delhi)*** reported in **(2015) 10 SCC 1**, wherein the Apex Court held that since Section 11 is purely procedural, its applicability is required to be read in light of the welfare of the minor, and thereby, dispensation of notice in appropriate cases is permissible.

6. He further relies on a similar decision of the Punjab & Haryana High Court in ***Ram Nath Anand and Another vs Ravi Raj Dudeja***, reported in **2006 SCC OnLine P&H 486**, which also involved the case of a 16 year old minor, and the Court held that it was for the welfare of the minor to maintain the arrangement that existed and further held that any coercive steps compelling the minor to live with the father, would be detrimental to the minor's psychological well-being.

7. Lastly, he cites the decision of the Allahabad High Court in ***Nirali Dixit vs State of U.P. Thru. District Magistrate, Lko. and Another*** reported in **2011 SCC OnLine All 750**, where the High Court, whilst invoking the doctrine of *Parens Patriae* held that it is empowered to appoint a guardian for a minor in the interest of its well-being, particularly in the absence of an existing guardian.

8. Mr. Khandekar therefore submits that notice under Section 11 of the Act be dispensed with and that the Petitioners be appointed as the guardians of the minor.

9. I have considered the submissions advanced by Mr. Khandekar on behalf of the Petitioners and also perused the record with his assistance. The documents reveal and corroborate his contention that the Respondent is undergoing life imprisonment and has no livelihood or residence. Considering this, it is evident that he has been absent for most of the minor's life.

10. In the earlier Guardianship Petition filed by Rajan Chawla, he was given notice though he was in Jail at that time, facing trial. Presently, the Respondent has been convicted of murdering his own wife, under Section 302 and 498(A) of the Indian Penal Code, 1860 and is serving a sentence of life imprisonment, as a result thereof.

11. After this matter was heard at some length in court, I also requested the minor to attend my chambers where I interacted with her at some length. During this interaction, she revealed her unconditional love and affection for the Petitioners whom she refers to as “Dad” and “Mom” and informs me that they are her family. She has recounted how well they have looked after her for all these years. She has informed me that ever since she recollects, the Petitioners have treated her as their child and brought her up. She has lived with them and her grand-father since she was 3 years old and she has explicitly informed me that she is extremely happy and wants to continue staying with them in future. When I inquired about her biological father - the Respondent herein, the minor clearly told me in no uncertain words that she does not even wish to meet him or talk with him and that she desires to continue staying only with the Petitioners.

12. As held in *ABC vs State (NCT of Delhi) (supra)*, the Supreme Court has categorically held that since the provisions of Section 11 are procedural in nature, there is no harm in relaxing its requirements if the same is intended for the protection of the minor’s interests and for her welfare. Applying the aforesaid principle to the present case, I am of the considered opinion that there is no need to give any notice under Section 11 of the Act to the Respondent and the same is required to be waived.

13. In **Ram Nath Anand (supra)**, the Court had observed that a 16 year old is not a minor of tender age who does not understand his own welfare, and therefore, the Court held that the welfare of the minor would lie in not disturbing the *status quo* of the minor's continuous residence with his family. Such finding would squarely apply to the present case, where the minor is also 16 years old and well-settled with the Petitioners. Moreover, the minor has also unequivocally expressed her desire to live with the Petitioners whom she considers as her parents. Thus, I am of the view that any change to this position, at this stage would be contrary to her best interests and ought not to be permitted. In **Nirali Dixit (supra)**, the Court has reiterated that the welfare of the minor is of paramount consideration whilst invoking the doctrine of *parens patriae* and appointing a guardian of such minor.

14. In **Surinder Kaur Sandhu vs. Harbax Singh Sandhu**, reported in **(1984) 3 SCC 698**, the Supreme Court has held that though Section 6 of the Act constitutes the father as the natural guardian of a minor, this provision cannot supersede the paramount consideration as to what is conducive to the welfare of the minor. Similarly, in **Mausami Moitra Ganguli vs. Jayant Ganguli**, reported in **(2008) 7 SCC 673**, the Supreme Court whilst determining the question as to which parent the care and control of a child should be committed to, has held that under the Act, the first and paramount consideration is the welfare and interest of the child and not the rights of the parents. Moreover, in **Nil Ratan Kundu vs. Abhijit Kundu** reported in **(2008) 9 SCC 413**, the Supreme Court has expressly held that if the

minor is old enough to form an intelligent preference or judgment, the Court must consider such preference as well, though the final decision should rest with the Court as to what is conducive to the welfare of the minor.

15. Considering the above, I am of the considered opinion that there is no need to give any notice under Section 11 of the Act to the Respondent and the same is required to be waived. I am also of the view that the Respondent is unfit and unsuitable to be appointed as the guardian of the minor. The minor has been staying with the Petitioners since the past 13 years under the same roof and she has literally been raised by them as their own daughter. However, at that time, her grand-father, Rajan Chawla was appointed as her guardian by this Court. However, he has since, passed away on 30th August 2025 which has resulted in the present Guardianship Petition being filed by the Petitioners. Clearly, the welfare of the minor lies in the Petitioners being appointed as her guardian. In fact, even the minor wishes exactly that. Since she is 16 years old, due weightage is also required to be given to her wishes. Resultantly, the present Guardianship Petition is required to be allowed in terms of the following order:

::ORDER::

- a) Notice under Section 11 of the Guardians and Wards Act, 1890 is hereby dispensed with.
- b) Petitioner No. 1 - Anand Chawla and his wife, Nisha Chawla -

Petitioner No. 2 are hereby appointed as the guardians of the person and properties of the minor, Angelina Miranda, now known as Shanaya Chawla.

- c) The present Guardianship Petition is accordingly disposed of with no order as to costs.
- d) All parties shall act on a copy of this order digitally signed by the Personal Assistant / Personal Secretary of this Court.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2026.02.14
16:55:52 +0530