

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 21 OF 2025

Ghaosia Tabassum Irshad Ahmad

... Petitioner

Mr. Radhakrishna Thakur a/w. Ms. Raffat Kadri for Petitioner.

CORAM : FARHAN P. DUBASH, J.

RESERVED ON : 6th JANUARY 2026
PRONOUNCED ON : 8th JANUARY 2026

ORDER :

1. The present Writ Petition has been filed seeking appointment of the Petitioner as the Guardian of her minor son, Mohammad Ayub Irshad Farooqui (**Ward**), and for permission to utilise and expend the movable and immovable properties of the Ward towards his medical treatment and other miscellaneous expenses, necessary for his welfare, upbringing, and overall betterment.

2. The Ward is a minor, presently studying in the 7th Standard at EDIFY School, Nagpur, and is residing with the Petitioner.

3. It is stated that the father of the Ward, viz. Irshad Ahmad Farooqui (**father**), died intestate at Mumbai on 24 February 2020. As regards the legal heirs of the deceased father, apart from the Petitioner and the Ward, there are two daughters and one son, all of whom have attained the age of majority.

4. It is stated that subsequent to the demise of the father, the Petitioner filed a petition before this Court being Testamentary Petition No. 3821 of 2023 for issuance of Grant of Letters of Administration in respect of the property and credits of the deceased father, which came to be granted on 31 July 2024. It is further stated that there is no dispute between the Petitioner and her sons and daughters with respect to the filing or grant of the said Testamentary Petition.

5. The Petitioner seeks appointment as Guardian of the Ward in respect of the movable and immovable properties standing in the name of the deceased father and undertakes to preserve and protect the Ward's share, right, title, and interest therein. The Petitioner also seeks permission to incur expenditure from the movable and immovable properties inherited from the deceased father for the welfare, education, and personal expenses of the Ward, including expenses necessary for his upbringing.

6. It is stated that the Ward was residing with the father during the latter's lifetime and, after the demise of the father, the Ward has been residing with the Petitioner. It is further stated that the surviving siblings of the Ward are unable to take care of him owing to their educational commitments and busy schedules, and therefore, the Petitioner being the mother is in a better position to look after the welfare of the Ward.

7. Out of natural love and affection for the Ward, the present Petition has been filed by the Petitioner seeking her appointment as his Guardian. The Petitioner is stated to have no interest, either direct or indirect, adverse to the interest of the Ward.

8. The Petitioner has also filed Consent Affidavits of Ms. Sara Irshad Ahmad Farooqui, her daughter and the elder sister of the Ward; Mr. Ghulam Mohammed Irshad Farooqui her son and the elder brother of the Ward and Ms. Tooba Mohammed Arsalan Farooqui her younger daughter and the elder sister of the Ward. All three persons have given their consent and no objection to the Petitioner being appointed as the Guardian of the Ward.

9. This Court has considered the averments made in the Petition. The present Petition is maintainable under Section 7 of the Guardians and Wards Act, 1890. The Ward is residing with the Petitioner,

who is attending to his welfare and medical needs. The Petitioner has sought permission to utilise and expend the movable and immovable property left by the Ward's father for the Ward's welfare, education, and personal expenses, necessary for his upbringing.

10. This Court has heard the learned Counsel for the Petitioner and upon considering the submissions made, this Court is of the view that, in the interest and welfare of the Ward and for safeguarding his rights, the Petitioner be appointed as the Guardian of her son, Mohammad Ayub Irshad Farooqui.

11. Accordingly, the following order is passed:

:: ORDER ::

- (i) The Petition is allowed in terms of prayer clauses (i), (ii) & (iii) which read as under :

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

(ii) That this Hon'ble Court be pleased to permit the Petitioner to use and spend the money on Ward's moveable and immovable property which comes from his father late Irshad Ahmad Farooqui

alias Farooqui Irshad Ahmad, and for his 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 and immovable property of the said Ward for betterment and welfare of the said Ward.

(ii) The Guardianship Petition is accordingly disposed of.

(iii) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Ajay Jadhav
GP/21/2025.

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date:
2026.01.08
17:49:40
+0530