

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

GUARDIANSHIP PETITION NO. 23 OF 2025

Nidhi Sanjay Doshi

... Petitioner

Ms. Kajol Gopani for the Petitioner.

CORAM : FARHAN P. DUBASH, J.

RESERVED ON : 8th JANUARY 2026
PRONOUNCED ON : 12th JANUARY 2026

ORDER

1. The present Guardianship Petition has been filed seeking appointment of the Petitioner as the Guardian of her minor daughter, Ms. Kriva Sanjay Doshi (**Ward**) and to look after her movable and immovable properties. The Petitioner further seeks permission to take all decisions necessary and incidental for the welfare and benefit of the Ward.

2. The Petitioner was married to Mr. Sanjay Vijay Doshi (**husband**) in accordance with the provisions of the Hindu Marriage Act, 1955, and out of the said wedlock, the Ward was born on 9 April 2022.

3. It is stated that the husband passed away intestate at Mumbai

on 1 January 2023, leaving behind the Petitioner and the Ward as his only legal heirs.

4. It is stated that during his lifetime, the husband, along with his father, Mr. Vijay Kantilal Doshi, jointly purchased a flat bearing Flat No. A/2101, situated on the 21st Floor, admeasuring approximately 780 sq. ft., in Shiv Parvati Co-operative Housing Society Ltd., near Vasant Complex, adjoining Pramod Mahajan Sports Complex and Anshul Heights, Kandivali (West), Mumbai – 400067 (**said Flat**) under and by virtue of a registered Agreement for Sale bearing No. BRL-3/4756/2022.

5. The Petitioner states that as per the share particulars available from the society in which the said Flat is situated, the husband was entitled to a 50% share, right, title, and interest in the said Flat. Upon his demise, it is stated that his interest devolved upon his legal heirs, namely the Petitioner and the Ward, in accordance with the rules of intestate succession applicable to Hindus under the Hindu Succession Act, 1956. Consequently, each of the Petitioner and the Ward is presently entitled to an undivided 25% share in the said Flat, as well as in the shares issued by the society.

6. The Ward is presently a minor, and the Petitioner has been bearing all expenses and attending to the day-to-day needs and necessities

of the Ward. The Petitioner seeks appointment as Guardian of the Ward in order to represent, safeguard, and protect the Ward's legal and proprietary rights in respect of her movable and immovable properties, in the best interest of the Ward, until she attains the age of majority.

7. It is stated that the Petitioner is the natural guardian of the Ward and that there is no other close or near relative better placed than the Petitioner to look after the Ward. It is further stated that the Petitioner has no interest, direct or indirect, adverse to that of the Ward, save and except for matters relating to the Ward's maintenance, education, welfare, and overall development. The Petitioner further states that she possesses the requisite means, capacity, and ability to provide for the Ward's maintenance, education, and upbringing.

8. The Petitioner submits that no Guardian has been appointed for the Ward prior to the filing of the present Petition, nor has any application seeking such appointment been made either before this Court or before any other Court.

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 has been residing with the Petitioner, who has

been attending to her welfare, care, and protection since birth and more particularly after the demise of the husband. The Petitioner has sought appointment as Guardian of the Ward to manage her affairs and her movable and immovable properties in the best interest and welfare of the Ward.

10. This Court has heard Ms. Kajol Gopani, learned Counsel for the Petitioner and upon considering the submissions made by her, this Court is of the view that, in the interest and welfare of the Ward and for safeguarding her rights, the Petitioner is required to be appointed as the Guardian of her daughter, Kriva Sanjay Doshi.

11. Accordingly, the following order is passed:

:: ORDER ::

(i) The Petition is allowed in terms of prayer clauses (a), (b), (c), (d) and (e), which read as under :

a. The Hon'ble Court be pleased to dispense with the requirement of issuing notice under Section 11 of the Guardian and Wards Act, 1890.

b. That his Hon'ble Court be pleased to appoint the Petitioner as the Guardian of Ms. Kriva Sanjay Doshi in respect of her person as also in respect of her property as enlisted in Exhibit - "D" hereto and take all decisions necessary and incidental to the said Kriva Sanjay Doshi for her welfare and benefit.

- c. *That his Hon'ble Court be pleased to declare that the Petitioner is the Exhibit "D" Guardian of the said Kriva and her property as enlisted in Exhibit - "D". Furthermore, this Hon'ble Court be pleased to declare and pass an Order that the Petitioner is entitled to take all such decisions necessary and/or incidental in respect of the welfare, benefit and properties of the said Kriva inclusive of adding her names in the joint bank accounts, operating the same and taking decisions of selling, mortgaging, leasing, licensing the said Flat and deposit part and/or entire sale proceeds therefrom in a deposit for 10 years and to reap interest therefrom which would be solely utilized for the benefit and upkeep of the said Kriva.*
- d. *To authorize and empower the petitioner, as guardian, to administer, manage, receive, invest, mortgage, lease or otherwise deal with the income or the share of the minor in the said property or other properties in which the minor may be entitled subject to such directions/conditions as this Hon'ble Court may order;*
- e. *To issue and/or pass orders to the society / banks / authorities to recognise the petitioner acting as guardian and to permit necessary entries / mutation / banking operations in relation to the minor's share, subject to the orders of this Hon'ble Court;*

(ii) The Guardianship Petition is accordingly disposed of.

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

JYOTI
PRAKASH
PAWAR

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(FARHAN P DUBASH, J.)

,Mandar M.