

Petition for Appointment of Guardian

IN THE COURT OF Civil Judge (Senior Division)

At Alipore

Guardianship Case No.....of 2010

IN THE MATTER OF:

MB, a minor under the age of

18 years residing at 1

Construction Road, Mumbai

And

IN THE MATTER OF:

PN residing at

Petitioner

Versus

RS, residing at.....

RT, residing at

Respondents

Application under s. 10 of the Guardians and Wards Act 1890 for appointment of a Guardian of the Minor

The humble petition of the petitioner above-named most respectfully

Sheweth:

1. MB above-named is the son of PQ. The said PQ was a businessman and was residing at.....The said PQ died on 15th June 1999 at his residence

at.....The mother of MB predeceased PQ. Your petitioner was a close friend of the deceased.

2. The said MB is a minor born on 1st May 1989. He is now approximately 10 years of age.

3. The said minor is residing with his distant relative at

4. The said minor is entitled to, in his own right, several assets and properties, namely, moneys covered by two Life Insurance Policies No. 1 and 2 for Rs. 10,000 and Rs. 20,000 respectively in the name of his deceased father and in respect of which the minor is the nominee. There are two Fixed Deposits with X Bank Ltd. for Rs. 50,000 and Rs. 80,000 and the said Receipts are in the joint names of the said deceased and the minor and the moneys thereunder are payable to "either or survivor". The premises

No.....also belongs to the minor by inheritance.

5. The said minor is governed by the Hindu Law.

6. The other relatives of the said minor are the following:

(a)RS brother of the said deceased, residing at.....;

(b)QT, the brother's son of the deceased residing at.....

7. The guardian of the person or property of the said minor has not been appointed either by Will of the said PQ or by court. In fact, the said PQ has died intestate.

8. GP the proposed Guardian is a service holder and is the maternal uncle of the

minor. He is married and is at present residing at..... The said GP is financially well-off having a monthly income of Rs. 5,000. He is of a good character and habits. He is a fit and proper person to be appointed the guardian of the person and property of the said minor.

9. There is no person quite fit or in a position to look after the welfare of the minor or to protect and preserve the assets and properties of the minor.

10. The moneys receivable under the deceased's Life Insurance Policies and the Fixed Deposit Receipts are to be collected and properly invested. The minor in his own right is entitled to a property being premises No.....which is tenanted. This property has to be repaired and the rents have to be collected. There is some urgency in the matter.

11. The minor has to be properly educated and for that purpose admitted to a good school. At present there is nobody suitable to look after his education and welfare, assets and properties. The maternal uncle is a teacher and can devote time and energy for the welfare of the minor.

12. In view of the aforesaid the present application is being made for the benefit of and in the interest of the minor.

13. Unless Orders are made as prayed for herein, the minor will be seriously prejudiced.

14. This application is being made bona fide and in the interest of Justice. Your petitioner therefore humbly prays Your Honour for the following Orders:
(a)Mr. GP or some other fit and proper person be appointed as the Guardian of the

person and properties of the said minor MB;

(b) Security to be furnished by said GP or the guardian may be fixed at Rs. 1 lakh and Mr. X and Mr. Y be accepted as Sureties for the said GP;

(c) A sum of Rs. 3,000 a month be fixed for the maintenance and education expenses of the minor;

(d) Rs. 500 per month be allowed to the said GP as the remuneration in respect of collection of rents, moneys and assets of the minor and investments thereof and for looking after the minor;

(e) The said guardian to be appointed herein be given liberty to invest the moneys of the minor in an appropriate safe manner;

(f) The said GP be given liberty to carry out the repairs of the tenanted premises and to take proper steps for realisation of arrear and current rents;

(g) The costs of this application be directed to be paid out of the income of the minor;

(h) Further Orders be made and directions be given as to this Learned Court may deem fit and proper to afford complete relief to the petitioner.

And your petitioner as in duty bound, shall ever pray.

Verification

I, PN, son of NP aged about 30 years and the petitioner above-named know the facts and circumstances of this case and I am able to depose thereto. The statements contained in paragraphs No. 1 to 14 hereinabove are true to my knowledge based on information derived from the documents shown to me and also the information derived from the mother of the minor and from my personal association with' the deceased and I believe them to be true.

Place: Mumbai

Date.....

Signature of the Petitioner

Identified by Advocate for the petitioner

Declaration of GP

I, the undersigned GP, the Maternal Uncle of the minor residing at do hereby agree to accept the office of the Guardian of the person and property of the minor MB son of PQ of, in case this Learned Court shall think fit to appoint me as the Guardian of the minor.

Signature of the GP Identified by Advocate