



Received on
Registered on
Decided on
Duration Ys. Ms. Ds.

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, SURAT.

Review Application No.1 of 2018.

EXH._____

APPLICANT: **Govindbhai Laxmanbhai Shah**
Brother of late Gautam Laxmanbhai Shah
Aged about 32 years,
Occupation : Business,
Resident of Plot No.232,
Room No.43, Vishram Nagar,
Ved Road, Surat
As guardian and next friend of
Pooja Gautambhai Shah

V E R S U S

OPPONENT:- **None.**

APPEARANCE :

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Learned Advocate Mr. S.K.Charpot for the applicant.

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:- J U D G M E N T :-

(1) The applicant has preferred present application to review the order passed by the then Additional District Judge, Surat in Civil Misc. (Guardian) Application No.186 of 2017 on 05/04/2018, rejecting the application of applicant.

(2) Brief facts of present application are such that, the father Gautam Laxmanbhai Shah, the mother and three minor sisters of minor Pooja had expired in a fire accident and at present, minor Pooja is residing with the present applicant who is the real brother of late Gautam and uncle of minor Pooja and he is taking care and maintaining minor Pooja. That, late Gautambhai was having Saving Account in State Bank of India, Ved Road Branch and some amount is lying in it. That, since minor Pooja is minor, to withdraw the amount and to utilize the money for the maintenance, education and welfare of minor Pooja, the applicant preferred Guardian Application No.186/2017 before the Court for his appointment as guardian of minor Pooja, which was rejected. Hence, present application is filed to review the impugned order and to appoint the applicant as guardian of minor girl as prayed for.

(3) Learned advocate appearing on behalf of the applicant has submitted that, the brother of applicant Gautam and his family members, have expired, except minor daughter Pooja and present applicant is her real uncle. After demise of Gautam, the applicant is looking after, taking care and maintaining the minor. Late Gautam was having some amount in his Savings Account in State Bank of India, Ved Road, Surat branch, and since he expired, to make arrangement of money and to maintain the minor, the applicant be appointed as guardian of minor. Further, the minor girl Pooja is studying in 6th standard at Ved Road Mahavir Hindi Vidyalaya and hence, for the welfare and interest of minor, present application be granted and the applicant be appointed as guardian of minor Pooja as prayed for.

(4) Heard learned advocate for the applicant and perused the impugned order and the record. It transpires that, the father Gautam and other family members of minor Pooja have expired and since then, present applicant being the brother of late Gautam and uncle of minor, is taking care of and maintaining the minor, and at present, the minor Pooja is residing with the present applicant - uncle at Surat and studying in a school here. Some amount is lying in savings account of late Gautam in Bank, and so, the applicant filed guardian application no.186/2017 before the Court, which was rejected on the ground that the minor Pooja is studying in a school at Sivan, Bihar. But, the bonafide certificate produced at mark 3/2 clearly states that, minor Poojakumari is studying in a school at Ved Road, Surat. Under the circumstances, when there is no objection from anybody and there is no one to look after the minor except present applicant under whose care the minor is at present residing, the applicant requires to be appointed as guardian of minor for administration of amount lying in the name of late Gautam in Bank, for the interest and welfare of minor girl Pooja. Hence, I pass the following final order.

-: ORDER :-

The present Review Application is hereby allowed.

The order passed by the then Additional District Court, Surat on 05/04/2018 in Civil Misc. Guardian Application No.186/2017 is hereby set aside.

The applicant – Govindbhai Laxmanbhai Shah is hereby appointed as the guardian of minor Pooja for limited purpose.

The applicant is permitted to **invest the amount** lying in State Bank of India, Ved Road, Surat branch in the name of late Gautambhai Laxmanbhai Shah i.e. the father of the minor Pooja, **in the name of the minor Pooja in any Nationalized**

Bank as Fixed Deposit and the interest which is accrued shall be used by the applicant for the benefit of the minor, and the copy of the FDR be produced before the Court for the proper verification accordingly.

Non-compliance of any of the conditions stated above shall be treated as sufficient ground for cancellation of the appointment.

Necessary guardian certificate be issued to the applicant accordingly.

Signed and pronounced in open Court
today on this 25th day of June, 2019.

Date:25/06/2019.

(PRAKASHCHANDRA SAMARTABHAI KALA)

Additional District Judge,
Surat.

Code No.GJ00436.