

threat to others as he does not have a violent or unstable temperament. The mental condition of the said Jamsheed is stated to be irrevocable or irreversible. The Petitioners in this context have relied upon the medical certificate dated 24th October, 2022 issued by Dr. N.E. Bharucha, a leading Neurologist of Mumbai, who has had the benefit of conducting detailed tests on and examination of the said _____ and has been treating Jamsheed for the last several years. Annexed at Exhibit 'B' to the Petition is a copy of the medical certificate.

3. The Petitioners have further stated that the said Jamsheed had been residing with his parents at the address mentioned in paragraph 3 of the Petition. His parents have at all times looked after and cared for _____ and provided for all his needs to the best of their abilities.

4. The said _____ aged 91 years has since expired on 30th April, 2021 bequeathing a sum of Rs.1,00,00,000/- to the said _____.

5. The Petitioners have stated that the said _____ has

substantial movable assets given to him by his mother and / or inherited from his deceased father, schedule of which is annexed at Exhibit 'C' to the Petition. The said does not own any immovable assets.

6. The mother, is of an advanced age and unable to look after the said She has filed Consent Affidavit dated 18th March, 2023 which is tendered and taken on record. In the Consent Affidavit, the reason given by the mother of Jamsheed, not being able to look after her son is provided for in paragraph 2 of the Consent Affidavit. She has accordingly given her full and free consent for appointment of the Petitioners as guardians of her son

7. Accordingly, the present Guardianship Petition has been taken out by the Petitioners for appointment as guardians of the said in respect of his movable properties without remuneration and royalty. The Petitioners as siblings and nephew of the said , are the fit and proper persons under the provision of Section 7 of the Guardian and Wards Act, 1890. The Petitioners are ready and willing to act as guardians of the person and property of

the said Jamsheed.

8. I have considered the averments in the above Guardianship Petition as well as the Consent Affidavit filed by the said , the mother of the said , who has indicated that she is unable to look after the said and that the Petitioners as brothers, sister and nephew respectively of the said would be in a position to act as guardians of the said

9. Accordingly, the Guardianship Petition is made absolute in terms of prayer Clauses (a) and (b), which read as under:-

(a) That the notice under Section 11 of the Guardian and Wards Act, 1890, may be dispensed with;

(b) That the Petitioners, being his siblings, and the nephew of the said , be appointed as guardians of the said and in respect of his moveable properties, more particularly shown in Exhibit 'C' to the Petition, under the provision of Section 7 of the Guardian and Wards Act, 1890.

10. The Guardianship Petition is disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]