

IN THE COURT OF DISTRICT JUDGE
MUNGER

GUARDIANSHIP CASE NO. 11 of 2025

Jai Prakash Narain @ Jay Prakash Narayan
S/o Late Rajendra Sharma @ Rajendra Mistry

----- Applicant

Versus

- 1. Mukesh Sharma**
S/o Late Ram Naresh Sharma
- 2. Kanchan Sharma**
D/o Jay Prakash Narayan and
W/o Suresh Kumar Sharma
- 3. Jay Kishor Kumar**
S/o Jay Prakash Narayan
- 4. Jay Anand Kunal**
S/o Jay Prakash Narayan

-----Opposite Parties

Ld. Counsel for the Applicant : Sri Bijay Kumar Sharma, Advocate

Ld. Counsel for the Opposite Parties : Sri Anil Kr Sharma, Advocate

Dated Munger the 05th day of May, 2026

Present: Alok Gupta
District Judge, Munger

J U D G M E N T

- 1. The applicant Jai Prakash Narain @ Jaiy Prakash Narayan has filed this application for declaring / appointing him as the guardian of minors namely **Master Daksh Aditya Kunal and Master Mihit Bhargav** both sons of late Jay Priya Kunal.

THE APPLICANT’S CASE:-

- 2. The case of applicant is that the applicant Jai Prakash Narayan is a retired serviceman from Eastern Railway Workshop, Jamalpur. He had three sons and one daughter namely 1. Jay Priya Kunal (since deceased); 2. Jay Kishor Kunal; 3. Jay Anand Kunal and Kanchan Sharma. That the

elder son of the applicant namely Jay Priya Kunal who was employed with Northern Railway, Delhi Division died on 12.07.2023. Unfortunately his wife namely Reena Sharma also died on 09.06.2024 leaving behind two minor sons namely 1. **Daksh Aditya Kunal** (born on 23.06.2012 Aadhar No. 849809534526 - currently a student of Class VIII) and 2. **Mihit Bhargav** (born on 02.12.2015 Aadhar No. 697964405466 -currently a student of Class V). That the wife of the applicant namely Sunaina Devi also died on 15.02.2024. That the said minors are under the care and guardianship of their grandfather i.e. the applicant, Jay Prakash Narayan. That on 10.10.2024, the applicant received a letter from the Assistant Personal Officer, Settlement, DRM Office, Northern Railway, New Delhi (NDLS), in connection with the subject of the Family Pension case of elder minor child of Late Jay Priya Kunal i.e. the son of the applicant, vide File No. 720E/3/69967/P-13, dated 08.10.2024 and requested for the issuance of a Guardianship Certificate in favour of **Daksh Aditya Kunal** the first elder eligible minor child of the deceased Ex. Railway Employee Late Jay Priya Kunal. The said certificate is required to be issued by the competent Court. Accordingly the cause of action has arisen for filing the present Guardianship Suit. That the applicant is a widower and he is the paternal Grandfather of the aforementioned minor children of the deceased Late Jay Priya Kunal and Late Reema Sharma and as such he is the natural and fit guardian to look after their person and property.

3. That the minor children are residing with the applicant in applicant's own house located in Jamalpur (Munger) at Mohalla - Chhoti Keshopur, Nalapar, Ward No.31, PO & PS Jamalpur, Distt. Munger (BIHAR), within the Civil Jurisdiction of this Court. That the assets and the paternal house of the aforesaid minor children are situated in the town of Jamalpur

(Munger) at Mohalla Chhoti Keshopur, Nalapar, Ward No.31, PO & PS Jamalpur, Distt. Munger (BIHAR), which is the residence of the applicant as well as the said minor children ordinarily reside there with their grandfather i.e. the applicant. The Cremation and the related Saradh rituals for the deceased Late Jay Priya Kunal were performed at the parental house in Jamalpur, Munger. That the cause of action for filing the suit arose on 10.10.2024 when the applicant received a letter for "Family pension case of elder minor children of late Jay Priya Kunal, S/o Jay Prakash Narayan (S&t) SSE/Sig/Const/TK DOD 12/07/2023 vide File No. 720E/3/69967/P-13 dated 08.10.2024, issued by the DRM Office, Northern Railway, New Delhi and through this letter a Guardianship Certificate was demanded, in favour of **Daksh Aditya Kunal** Ist elder eligible child of Ex. Railway Employee (to be Issued by a Competent Court) by the said DRM Office so that further necessary action can be taken accordingly.

4. It has also been pleaded that the applicant has the character of a guardian, capacity and ability to provide for the welfare of the aforesaid minors as --

- i) The applicant, Jai Prakash Narain, being the parental grandfather of the said minor children, possesses the necessary character, capacity and financial stability to be appointed as their guardian;
- ii) The applicant is a retired Railway serviceman and is financially capable of providing for the welfare of the said minor children;
- iii) The applicant has been taking care of the said minor children since the demise of their parents and has been providing them with proper education, health, food, clothing and a suitable environment for their upbringing.

5. The applicant has prayed that the Ld. Court may be pleased to pass a Decree of Guardianship in favour of the applicant, declaring him the Natural and Lawful Guardian of the minor children namely Daksh Aditya Kunal and Mihit Bhargav sons of the Late Jay Priya Kunal and Late Reema Sharma. Further the Id. Court may be pleased to direct issuance of the Guardianship Certificate as required for family pension and other entitlements of the minors.

THE CASE OF O.P:-

6. That the opposite parties appeared in the case and have filed their joint written statement admitting the plaint of the applicant and submitted that they have no objection if the applicant is being appointed as Guardian of the minors sons of late Jay Priya Kunal and late Reena Sharma.

7. Evidences adduced on behalf of the applicant:

- A.W. 1 – Jay Prakash Narayan, the applicant himself;
A.W. 2 – Daksh Aditya Kunal, minor son of Late Jay Priya Kunal;
A.W. 3 - Chandra Mohan Prasad, a neighbour of the applicant.

8. Evidences adduced on behalf of the Opposite parties:

- O.P.W. 1 Mukesh Sharma, father-in-law of late Jay Priya Kunal

9. The documents brought on record on behalf of the applicant:

- Exhibit 1** – Death Certificate of late Jay Priya Kunal;
Exhibit 2- Death Certificate of late Reena Sharma;
Exhibit 3 Educational Certificate of minor Daksh Aditya Kunal S/o Late Jay Priya Kunal issued by International School, Patna;
Exhibit 4 Educational Certificate of minor Mihit Bhargav S/o Late Jay Priya Kunal issued by International School, Patna;
Exhibit 5 – File No. 720E/3/69967/P-13 dated 08.10.2024, issued by the DRM Office, Northern Railway, New Delhi.

10. POINTS FOR DETERMINATION:-

ISSUES:

- (i) Whether the Guardianship case is maintainable?
- (ii) Whether the application is entitled to the relief claimed?
- (iii) Whether the upon receipt of a demand letter from the Railway Department, it has become necessary to appoint a natural guardian for the minors?
- (iv) Whether the case is fit to be decreed by passing Guardianship Decree in favour of the applicant and as against the Opposite parties for the natural guardian of the minors?
- (v) Whether the applicant is entitled for any other releif or reliefs?

11. EVIDENCES :

(I) A.W. 1 Jay Prakash Narayan is the applicant of this case. In his examination-in-chief filed by way of affidavit he has reiterated his statement as made in his plaint. He has proved the death certificate of his elder sons namely Jay Priya Kunal and same is marked as **Exhibit -1**. He has further identified the death certificate of his daughter-in-law Reena Sharma and same is marked as **Exhibit -2**. He has also filed the educlational certificate of his both minor grandsons namely Aditya Kunal and Mihit Bhargav and on his identification both certificates are marked as **Exhibit 3** and **Exhibit 4** respectively. He has also identified the letter received by him for "Family pension case of elder minor children of late Jay Priya Kunal, S/o Jay Prakash Narayan (S&t) SSE/Sig/Const/TK DOD 12/07/2023 vide File No. 720E/3/69967/P-13 dated 08.10.2024, issued by the DRM Office, Northern Railway, New Delhi and same is marked as **Exhibit 5**.

In his cross-examination he has stated that he is has retired from Railway workshop and currently drawing a pension of about Rs. 35000/-(Rupees Thirty five thousand only). Besides pension he also has and additional rental income of about Rs. 10,000/- (Rs. Ten thousand only). That he is spending his above stated income on the education and welfare of his both grandchildren and in future also he will take their care.

(II) A.W. 2 is Daksh Aditya Kunal, aged about 14 years, elder grandson of the applicant. He has stated that the present case has been preferred by his grandfather Jay Prakash Narayan. He knows that the present case has been filed for his Guardianship. His father was working in Northern Railway and he died on 12th July 2023 due to cancer. The name of his mother was Reema Sharma and she also died due to cancer on 9th June 2024. He has also one younger brother namely Mihit Bhargav who is aged about 10 years. That both the brothers are studying in Internationalal School, Boring Road Patna and he is studying in Class VIII while his brother is studying in Class V. That after the death of his father and mother, his grandfather is taking care of both the brothers and he bears all their expenses of education and others. During vacation in school they live with their grandfather at Jamalpur under his guardianship. He knows that the present case has been filed for their guardianship as demanded by the Northern Railway, Delhi for family pension after the death of their father. That his grandfather is providing them due care and attention.

On Court's question he stated that he resides with his grandfather whenever he comes Munger and at Patna he resides with his uncle Jay Kishore Kunal. His father's name is Jay Priya Kunal. He rarely meets with his maternal grandfather-grandmother and maternal

uncle and aunt. His maternal grandfather lives at Delhi. His mother's name is Reema Sharma, His father and mother died due to cancer at Delhi. If his guardianship is given to his grandfather and uncle he has no objection. That his father was working in Northern Railway, Delhi.

(III) A.W. 3 is Chandra Mohan Prasad. In his examination-in-chief filed by way of affidavit he has stated that he knows the applicant and his whole family as he is a neighbour and has visiting terms. That the elder son of the applicant namely Jay Priya Kunal died in the year 2023 due to cancer. That the second son of the applicant namely Jay Kishore Kunal is working in C.R.P.F and younger son namely Jay Anand Kunal is working as Manager, S.B.I, Delhi. That the wife of the elder son of the applicant namely Reema Sharma also died due to cancer at Delhi in the year 2024. That after the death of wife-husband, Guardianship certificate from a competent Court was demanded by the Railway Department, Delhi for family pension of the minor sons of late Jay Priya Kunal for which the present case has been preferred. That both the grandsons of the applicant namely Daksh Aditya Kunal, aged about 13 years and Mihit Bhargav, aged about 10 years are studying at Patna in class VIII and V respectively under the guardianship of the applicant. That during vacation, both the grandsons used to reside at Jamalpur with the applicant and he often met with them. That the applicant is a retired employee of Jamalpur Railway Workshop and getting sufficient pension from which he maintains his both grandsons.

In his cross-examination he has stated that he knows the applicant and his family since last 30-40 years as he used to go there for tuition. The grandsons of the applicant studies at Patna and the applicant bears all their expenses.

To Court's question he has stated that he is neighbour of the grandfather who was an employee of Jamalpur Railway Workshop. He is a teacher and he had taught the father of the minors. Both mother-father of the minors passed away due to cancer. The father of the minors was an employee with the Indian Railways and was posted at Delhi.

(IV) O.P.W. 1 is Mukesh Sharma, the maternal grandfather of the minors. In her examination-in-chief filed by way of affidavit he has stated that he is the Opposite Party No. 1 in the case. That unfortunately his elder son-in-law Jay Priya Kunal died on 12.07.2023 due to cancer and thereafter his daughter Reema Sharma also died on 09.06.2024 due to cancer. That his deceased son-in-law Jay Priya Kumar was working in Northern Railway, Delhi Division. That after the death of his son-in-law and daughter, their minors sons namely Daksh Aditya Kunal, aged about 13 years and Mihit Bhargav, aged about 10 years are residing with their grandfather (applicant) and studying at Patna under the guidance of the applicant. That on 10.10.2024 a letter was received from the Railway Department demanding a Guardianship certificate of the minors from competent Court with regard to family pension for which the present case has been preferred. That applicant is a retired employee of the Indian Railways. That both the minors are residing at their ancestral house at Jamalpur, Munger. That he works as a labourer having very low income and hence he is unable to take care of the minors. That he has no objection if the present petition is allowed.

In his cross-examination he has stated that he does work of a labour. The paternal grandfather of the minors is a retired employee of the Railway and getting pension. That the applicant has also income from the rent of the house. At present the grandfather of the minors is taking their care. Both the minors are studying at Patna and during

vacation they live with his grandfather Jay Prakash Narayan. That he has no objection if the guardianship of the minors is given to their grandfather namely Jay Prakash Narayan.

12. DISCUSSION AND FINDINGS – ISSUE WISE:

ISSUE NO. 1

13. From perusal of material available on record it is apparent that the applicant is the paternal grandfather of the minors Daksh Aditya Kunal and Mihit Bhargav. From the record it seems that it is the applicant who after the death of his elder son and daughter-in-law namely Jay Priya Kunal and Reema Sharma respectively, is taking care of their minor sons as a guardian. That vide File No. 720E/3/69967/P-13 dated 08.10.2024, issued by the DRM Office, Northern Railway, New Delhi asking for a Guardianship Certificate of 1st elder eligible child of ex-Railway employee, hence the necessity for the same arose. As such, I find that the Guardianship case is well maintainable. Therefore, this issue is decided in favour of the applicant.

ISSUE NO. 2, 3 & 4

14. From perusal of the record it is clear that the Opposite party No. 1 Mukesh Sharma (O.P.W. 1) who is the maternal grandfather of the minors and he had stated in his evidence that he is not in a position to become a guardian as his income is very low. Moreover he has also stated that the applicant, who is paternal grandfather of the minors is providing them due care and attention. From perusal of Exhibit 1 and Exhibit 2 (death certificates of Jay Priya Kunal and Reema Sharma) it is apparent that both the parents of the minors have expired. From perusal of **Exhibit 4** it is apparent that for the purposes of family pension of late Jay Priya Kunal, elder son of the applicant, a legal guardianship certificate in regard to the 1st elder eligible child of ex-railay empoloyee is required.

That from perusal of Exhibit 3 and Exhibit 4 it is apparent that both the minors are studying at Patna. From the evidences available on the record it is clear that applicant is looking after and taking care of the minors Daksh Aditya Kunal and Mihit Bhargav who are at present aged about 13 years and 10 years respectively. That there is nothing on record to suggest that appointment of the applicant as guardian of the minors will be against the interest of the minor.

15. That during the course of hearing I interacted with both the minor children in my chamber and queried them about their education status, their interests and further as regard granting Guardianship to their paternal grandfather, i.e. the applicant herein. That both the children confidently stated that their grandfather takes good care of them and meets all their requirements. That both the children further stated that they are studying at Patna and residing with their uncle Jay Kishore Kunal. That they are interacting with their family and relatives. That their grandfather remains in constant touch with them and during vacation they come to Jamalpur, Munger and live with the applicant. Both the children clearly expressed that they have no objection if their grandfather is officially made their Guardian.

16. In view of such facts and circumstances, considering the demand letter of the Railway Department as well as interest of minors, the applicant who happens to be the paternal grandfather, taking care of minors, is found entitled to be appointed as guardian of **minors Daksh Aditya Kunal and Mihit Bhargav**. These issues are accordingly decided in favour of the applicant.

17. Accordingly it is hereby,

ORDERED

i) The present guardianship application is **Allowed**;

ii) The applicant **JAI PRAKASH NARAIN @ JAY PRAKASH NARAYAN** s/o Late Rajendra Sharma @ Rajendra Mistry is appointed **GUARDIAN** of the **minors Daksh Aditya Kunal** and **Mihit Bhargav**.

Iii) There is no order as to costs.

18. Office to prepare Guardianship Certificate in favour of applicant in accordance with law.

Dictated & Corrected by me

District Judge, Munger
05.05.2026

(ALOK GUPTA)
District Judge, Munger
05.05.2026