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**IN THE COURT OF 5TH ADDITIONAL DISTRICT
JUDGE, AHMEDABAD [Rural] @ NAVRANGPURA,
AHMEDABAD**

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CIVIL MISC. APPLICATION No. 315 of 2025

APPLICANT **Hareshkumar Karshanbhai
Parmar as natural
guardian of mentally
disabled Jayeshkumar
Karshanbhai Parmar,**
Age : 36, Occup. : Service,
Resi. at :
377-65, Chamundanagar,
Near Gayatrinagar, Sarkhej,
Ahmedabad-382210.

Versus

**RESPONDENTS 1. Meenaben Dineshbhai
Vegada**
Age : 48 years,
Resi. At:
Near Sonawala hospital,
Laghani wadi, Botad,

Bhavnagar.

2. Rekhaben Kishorbhai Maru

Age : 40 years,
Resi. At:
146, Chamundanagar,
Block-12, Isanpur,
Ahmedabad.

**3. Kantaben Hareshbhai
Jadav**

Age : 45 years,
Resi. At:
Plot No.21, Gandhi Colony,
Near Meldima temple,
Vidhyanagar, Bhavnagar.

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**Application for appointment as Guardian and for
permission to administer the pension of mentally
disabled person under the provision of Section
14 of Rights of Persons with Disabilities Act,
2016.**

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**Appearance :-
Ld. Advocate for the Applicant. : Mr. A. K. Vaniya**

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

1. The applicant has preferred present application purportedly under Section 53 of the Mental Health Act, 1987 and thereby, prayed to declare and appoint the applicant as Natural Guardian of mentally disabled

brother "Jayeshkumar Karshanbhai Parmar" so as to enable him to make necessary administration in respect of family pension and banking transaction on his behalf. That, the father of applicant Late Karshanbhai Shivabhai Parmar expired on 02.10.2006 and he was retired Teacher at Government school and getting pension after retirement and thus the mentally disabled son Jayeshkumar is eligible to get pension from the Government after demise of his father. The mentally disabled Jayeshkumar has his share along with the applicant and opponents in the pension and other allowances of his father, in question. Here the opponents are real sisters of applicant and they all are married and settled at their in-law's place.

2. The brief facts of the application are such that, all the legal heirs of Karshanbhai Shivabhai Parmar are entitled to receive pension after the death of applicant's father. That, the father of applicant died on 02.10.2006 and mother of the applicant namely Savitaben Karshanbhai Parmar died on 19.08.2023, the father of applicant was working as Teacher at Government school thus after death of the father of applicant, his legal heirs will receive family pension out of them, mother of applicant expired in year 2023. Now the applicant himself, his mentally disabled brother and opponents i.e. his sisters will receive family pension. The opponents i.e. sisters of applicant have waived their right in favour of the applicant. It is submitted in the application that, the applicant is a real biological brother of mentally disabled "Jayeshkumar

Karshanbhai Parmar". It is further stated that after the death of applicant's father, he has all the responsibilities of his mentally disabled brother and therefore in absence of his parents on account of their death, herein after if it is required to make necessary administration or transaction in relation to the share of his mentally disabled brother to receive family pension, he is required to be appointed as his mentally disabled brother's guardian for the interest, betterment, care as well as his livelihood. Hence, present application has been filed.

3. On presentation of the application, the Public Notice was issued in the daily Gujarati Newspaper 'Divya Bhaskar' on 21.06.2025 for inviting objections from public at large. But, none has been

appeared and no objections have been received by this Court from any person, and therefore it seems that the present application is undisputed and unchallenged.

4. In support of this application, the applicant has produced his examination in chief on affidavit vide Exh.8 and also produced following documentary evidences.

Sr.No.	Documents	Exh.
1	Mentally Disable Certificate of Jayeshkumar	12
2	Pension letter issued from District Assistant Examiner	13
3	Death Certificate of Karshanbhai Parmar	14
4	Death certificate of Savitaben Parmar	15
5	Aadhar card of mentally disabled brother	16
6	Birth certificate of mentally disabled brother	17
7	Aadhar card of applicant	18
8	Ration card of applicant	19
9	Passbook statement of mentally disabled brother of	20

	Bank of Baroda	
10	Closing purshis.	11

5. Following points arise for fair determination of the application:

P O I N T S

1. Whether the applicant proves that he is entitled to be declared and appointed as a guardian of his mentally disabled brother viz. "Jayeshkumar Karshanbhai Parmar" for the purpose of making administration of his share in family pension in question ?
 2. What order?
6. Considering all the evidences produced in support of the application, I decide the aforesaid points as under:
1. In the affirmative.
 2. As per final Order.

:: Reasons ::

Point No.1 :-

7. From the deposition of applicant, Hareshkumar Karshanbhai Parmar on oath at Exh.8 and the documents produced in support thereof, it clearly appears before this Court that Jayeshkumar Karshanbhai Parmar is suffering from Locomotor disability of about 80% and unable to earn his livelihood independently hence falls within definition provided at Sr. No. 3 of Schedule I of the Rights of Persons with Disabilities Act, 2016 and Section 2(r), 2(s) and 2(zc) of the said Act and the applicant being real biological brother of the mentally disabled "Jayeshkumar Karshanbhai Parmar", has all responsibilities of his mentally disabled brother after the death of his parents. The applicant has further

deposed on oath that for better living and maintenance of his family along with mentally disabled brother, he is required to make necessary administration in relation to the share of his mentally disabled brother in receiving family pension. It is also proved from the evidences brought on record by the applicant side that, the applicant being natural guardian of his mentally disabled brother namely "Jayeshkumar Karshanbhai Parmar", is the best person to look after his welfare, property, person, betterment of his mentally disabled brother. Thus, in view of the facts and evidence on record, there is no reason to disbelieve the facts of the application and if the applicant is declared and appointed as guardian for his mentally disabled brother "Jayeshkumar Karshanbhai Parmar", it would serve the purpose of the

application and thereby meet with the end of justice.

8. It is to be noted that, the Public Notice was also issued in the daily Gujarati Newspaper 'Divya Bhaskar' on 21.06.2025 for inviting objections from public at large, but none has appeared before this Court to raise any objection or to declare that, the applicant is not fit and appropriate person to be appointed as guardian of his mentally disabled brother "Jayeshkumar Karshanbhai Parmar". Thus, in view of the above facts and evidences on record, the present application deserves to be allowed and the present applicant is required to be declared and appointed as a Guardian for his mentally disabled brother namely "Jayeshkumar Karshanbhai Parmar", subject to certain conditions that may be imposed

hereinafter in the final order for the purpose of making necessary procedure for the administration relating to share of mentally disabled brother in family pension, in a way which he consider the best in the interest of his mentally disabled brother. Thus, in view of the above facts and circumstances on record, the point No.1 is decided in the affirmative.

Point No. 2 :

9. In the light of above discussions, keeping in view an evidence on record and facts and circumstances as well as provisions of law and by considering the interest of the mentally disabled "Jayeshkumar Karshanbhai Parmar" as well as the right of the major co-sharers, this application is required to be allowed. Hence, in the interest of justice following order is passed:

::: O R D E R :::

- 1.** This application is hereby **allowed**.
- 2.** The Applicant, **Hareshkumar Karshanbhai Parmar** is hereby **declared as Guardian of his mentally disabled brother "Jayeshkumar Karshanbhai Parmar"** under the Provisions of Sec.14 of the Rights of Persons with Disabilities Act, 2016 and subject to the rules framed thereunder to carry out all the necessary procedure for the transaction relating to mentally disabled brother's share in family pension on his behalf, in a way which is the best for the welfare of the mentally disabled "Jayeshkumar Karshanbhai Parmar".
- 3.** It is further hereby clarified that no right and title of the property has been established or proved by this order.
- 4.** This Order will come into force only and if the applicant furnish a surety of **Rs.25,000/- (Rupees Twenty**

Five Thousand only) and personal bond of the same amount to guarantee the fulfillment of above conditions and shall be in force from the date of furnishing bonds accordingly before this Court.

5. The registry is hereby directed **to issue Guardianship Certificate in favour of the applicant i.e. Hareshkumar Karshanbhai Parmar** in this regard accordingly as per Form-D of Civil Manual, in respect of the family pension received by his brother.

Pronounced & signed in the open Court today on 11th day of March, 2026.

Date : 11/03/2026.
Place: Ahmedabad

(Mr. Advait Surendra Vyas)
5th Additional District Judge,
(Unique ID Code: GJ00709)

R.R.Dave, PS