



Received on 29/12/2025
Registered on 29/12/2025
Decided on 30/04/2026
Duration YY MM DD

**BEFORE THE COURT OF PRINCIPAL DISTRICT JUDGE,
BHAVNAGAR**

Misc. Civil Application No.135 / 2025

Exh.26

**Parasben Upendrabhai Khatsuriya
Wife of Rajivbhai Mehta**

Aged: 53 years, Occu. : Service,
Address : Plot no. 696/B, K.K.Avenue Road,
Blood Bank Road, Krishnanagar,
Besides Mahila College, Bhavnagar.

.. .. **APPLICANT**

Vs.

None.

.. .. **OPPONENT**

Appearance :

Mr. K.H.Somani, Learned Advocate for the applicant

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

1. The present application has been preferred under Section 14 of the Rights of Persons with Disabilities Act, 2016, by Smt. Parasben Upendrabhai Khatsuriya, in her capacity as the real sister of Ms. Kulinben Upendrabhai Khatsuriya, a person with permanent intellectual disability, praying that

the applicant be appointed as the legal Guardian and Manager of Ms.Kulinben Upendrabhai Khatsuriya for the purpose of receiving the family pension payable on account of their late father Upendrabhai Ratilal Khatsuriya by the Western Railway, Bhavnagar Division, through the pension account maintained at the Bank of Baroda, Krishnanagar Branch, Bhavnagar, and for the management and administration of the undivided right, share and interest of Ms. Kulinben in the immovable property bearing Plot No. 696/B, situated on K.K.Avenue Road, Krishnanagar, Bhavnagar, recorded at City Survey No. 5157/B, Sheet No. 176, Ward No. 5, of the City Survey Office, Bhavnagar, as also of the family pension amount receivable from the Railway Department.

2. It is the case of the applicant that her father, late Upendrabhai Ratilal Khatsuriya, was employed in the Bhavnagar Division of Western Railway, and expired on 15.04.2025 at Bhavnagar. After his demise, the family pension payable in respect of the deceased came to be received by the mother of the applicant, Smt. Hansaben Upendrabhai Khatsuriya, under Old P.P.O. No. W/R21702/446886, which upon revision came to be issued as New P.P.O. No. 19947081700048. The said pension was credited to the pension account bearing No. 03490100008959 maintained at the Bank of Baroda,

Krishnanagar Branch, Bhavnagar. The mother of the applicant thereafter expired on 28.10.2025 at Bhavnagar. Apart from the applicant, the legal heirs of the deceased Upendrabhai Ratilal Khatsuriya are: Ms.Kulinben Upendrabhai Khatsuriya (the proposed ward, being the fourth and youngest daughter, unmarried and mentally unsound), Smt. Vaibhaviben Upendrabhai Khatsuriya (second daughter, married) and Smt. Purnaben Abhijitbhai Parekh (third daughter, married); that is, in all there are four legal heirs, all being daughters born of the wedlock of late Upendrabhai Ratilal Khatsuriya and late Hansaben Upendrabhai Khatsuriya.

3. It is further the case of the applicant that her youngest sister, Ms. Kulinben Upendrabhai Khatsuriya, born on 25.09.1978, has been suffering from intellectual disability. As per the Disability Certificate (Exh.16) issued by the Medical Board of Sir T. General Hospital, Bhavnagar, under the framework of the Rights of Persons with Disabilities Act, 2016, bearing UDID / Certificate No. GJ4460819780005205, Ms.Kulinben is certified to be a case of Intellectual Disability, the name of the affected body part being the brain, and the diagnosis in her case being Moderate Intellectual Disability. She has been assessed as 75% permanently disabled, and the nature of the certificate is permanent. The said certificate bears the date of issue

23.12.2025 and has been issued in accordance with the guidelines notified by the Government of India vide S.O. 1338(E) dated 12.03.2024, for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016.

4. The applicant submits that as per the applicable Central Government and Railway Services (Pension) Rules, family pension, following the demise of the pensioner and of the spouse/family pensioner, becomes payable to a physically or mentally disabled dependent heir for life. Since the mother of the applicant, Smt. Hansaben Upendrabhai Khatsuriya, the family pensioner, passed away on 28.10.2025, and since Ms.Kulinben Upendrabhai Khatsuriya is an unmarried, mentally disabled dependent heir of the deceased pensioner late Upendrabhai Ratilal Khatsuriya, the family pension of the said late Upendrabhai Ratilal Khatsuriya becomes payable to Ms.Kulinben Upendrabhai Khatsuriya. In this regard, the Pensioner Detail Form issued by the office of the Senior DFM, Bhavnagar, to the Bank of Baroda, placed on record as Exh.12, expressly records Ms.Kulinben as a dependent family member of the pensioner in the category of "Mentally Disable Daughter," with her date of birth noted as 25.09.1978, thereby acknowledging her entitlement on the record of the Railway itself. However, on account of her intellectual disability, Ms.Kulinben is wholly incapable of

receiving the said pension, operating a bank account, or managing her financial affairs. The applicant has been acting as the caretaker of Ms.Kulinben since the demise of their parents, and Ms.Kulinben is presently residing with the applicant at Plot No. 696/B, K.K. Avenue Road, Krishnanagar, Bhavnagar, where her maintenance, medical treatment and every kind of responsibility is being solely discharged by the applicant.

5. The applicant has approached the office of the Western Railway, Bhavnagar Division, for release of the family pension payable to Ms.Kulinben Upendrabhai Khatsuriya. The officers of the Railway have orally intimated that for release of the family pension to Ms.Kulinben, who is a mentally disabled dependent heir, a Guardianship Certificate issued by a competent court of law is required to be produced, upon which the family pension shall be disbursed to her through her duly appointed guardian. The authorities of Bank of Baroda, Krishnanagar Branch, Bhavnagar, where the pension account bearing No. 03490100008959 is maintained, have likewise required the production of a Guardianship Certificate for continued operation of the said account. It is to obtain such a Guardianship Certificate that the present application has been filed.

6. In support of the application, the applicant has produced the following oral and documentary evidence :

:: ORAL EVIDENCE ::

Exh. No.	Description of document
8	Examination-in-chief affidavit of the applicant Smt. Parasben Upendrabhai Khatsuriya filed under Order 18 Rule 4 of the Code of Civil Procedure
9	Affidavit of consent of Smt. Vaibhaviben Upendrabhai Khatsuriya, sister of the proposed ward
10	Affidavit of consent of Smt. Purnaben Abhijitbhai Parekh, sister of the proposed ward

:: DOCUMENTARY EVIDENCE ::

Exh. No.	Description of document
12	Pensioner Detail Form (7 th CPC Revised PPO) issued by Western Railway to Bank of Baroda, in respect of late Upendrabhai Ratilal Khatsuriya, recording Ms. Kulinben Upendrabhai Khatsuriya as "Mentally Disable Daughter" and dependent family member, along with the Revised PPO dated 12.12.2019 issued by the competent officer of Western Railway (bearing Old PPO No. W/R21702/446886 and New PPO No. 19947081700048)
13	Property Card No. 44041 issued by the City

	Survey Office, Bhavnagar-1, in respect of City Survey No. 5157/B, Sheet No. 176, Ward No. 5, admeasuring 295.62 sq. mtrs., recording the holder as the father of the applicant
14	Death Certificate of late Upendrabhai Ratilal Khatsuriya (died 15.04.2025), issued by Bhavnagar Municipal Corporation
15	Death Certificate of late Hansaben Upendrabhai Khatsuriya (died 28.10.2025), issued by Bhavnagar Municipal Corporation, Zone-5
16	Disability Certificate (UDID No. GJ4460819780005205) dated 23.12.2025 of Ms. Kulinben Upendrabhai Khatsuriya, issued by the Medical Board of Sir T. General Hospital, Bhavnagar, certifying 75% permanent disability (Moderate Intellectual Disability), under the Rights of Persons with Disabilities Act, 2016
17	Pension passbook of Bank of Baroda, Krishnanagar Branch, Bhavnagar, in respect of pension account No. 03490100008959 standing in the names of late Upendrabhai Ratilal Khatsuriya and late Hansaben Upendrabhai Khatsuriya
18	Pensioner Detail Form issued by Bank of Baroda, Krishnanagar Branch, Bhavnagar, in respect of the said pension account
19	Aadhaar card of the applicant Smt. Parasben Upendrabhai Khatsuriya

20	Aadhaar card of Smt. Vaibhaviben Upendrabhai Khatsuriya
21	Aadhaar card of Smt. Purnaben Abhijitbhai Parekh
22	Aadhaar card of Ms. Kulinben Upendrabhai Khatsuriya
23	Press cutting of public notice published in Sandesh daily newspaper pursuant to the order of this Court

7. It appears from the record that the applicant, in due compliance with the order of this Court, caused a public notice to be published in the Sandesh daily newspaper (Exh.23), calling upon the public at large to file objections, if any, to the present proceedings. No objection has been received in response to the said publication from any person, institution or government or semi-government office. Further, the two other daughters of the deceased Upendrabhai Ratilal Khatsuriya, namely Smt. Vaibhaviben Upendrabhai Khatsuriya and Smt. Purnaben Abhijitbhai Parekh, have placed on record their affidavits of consent (Exh.9 and Exh.10 respectively), whereby they have unequivocally recorded their no-objection to the appointment of the applicant as guardian of their youngest sister Ms.Kulinben Upendrabhai Khatsuriya, and to the administration by the applicant, in her capacity as such guardian, of the pension account and of the undivided share

of Ms. Kulinben in the immovable property in question. The present application is therefore entirely uncontested.

8. From a perusal of the aforesaid documents, it is clear that Ms. Kulinben Upendrabhai Khatsuriya has been suffering from intellectual disability. Her condition is certified by the Medical Board of Sir T. General Hospital, Bhavnagar, being the notified Medical Authority under the Rights of Persons with Disabilities Act, 2016, which has assessed her permanent disability at 75% on account of Moderate Intellectual Disability, the name of the affected body part being the brain. She is wholly incapable of making decisions on her own, cannot manage her personal affairs or financial matters, and is entirely dependent upon the applicant for her daily sustenance, medical treatment and care. The applicant has been looking after Ms. Kulinben since the demise of their parents, and Ms. Kulinben is presently residing with the applicant at Plot No. 696/B, K.K. Avenue Road, Krishnanagar, Bhavnagar. The family pension of the deceased father is payable to Ms. Kulinben as the mentally disabled dependent heir under the Railway Services (Pension) Rules, her name already standing recorded as a dependent family member in the category of "Mentally Disable Daughter" on the Pensioner Detail Form of Western Railway (Exh.12), but the Railway Department has required, as a condition precedent to release of the said

pension, the production of a Guardianship Certificate issued by a competent court of law.

9. Upon perusal of the pleadings, affidavits, oral and documentary evidence on record, and in light of the un rebutted facts and the unanimous consent of the other legal heirs, this Court is satisfied that Ms. Kulinben Upendrabhai Khatsuriya is a person with disability as defined under Section 2(s) of the Rights of Persons with Disabilities Act, 2016, and has been certified at 75% permanent intellectual disability by the Medical Board of Sir T. General Hospital, Bhavnagar, being the notified Medical Authority under the said Act. She is incapable of managing her personal or financial affairs. The applicant is the elder sister of the proposed ward, has been her sole caretaker since the demise of their parents, is solely discharging the responsibility of her maintenance, medical treatment and residence, and has approached this Court bona fide and in the interest and welfare of Ms.Kulinben. No adverse interest or ulterior motive is disclosed on the part of the applicant. The prayer, as pleaded in the application at Exh.1, is limited to appointment as Guardian and Manager for the purpose of receiving and managing the family pension amount payable by the Railway Department through the pension account maintained at Bank of Baroda, Krishnanagar Branch, Bhavnagar, and for the management and administration of the undivided share of Ms.Kulinben in

the immovable property referred to in the application; no alienation of any property is sought or being granted.

10. In view of the foregoing facts, evidence, and the unanimous consent of the other legal heirs, and in the interest of justice and the welfare of the person with disability, this Court finds merit in the application, and therefore, the following order is passed:

:: ORDER ::

1. The application is hereby allowed.
2. The applicant, Smt. Parasben Upendrabhai Khatsuriya, wife of Shri Rajivbhai Mehta and daughter of late Upendrabhai Ratilal Khatsuriya, resident of Plot No. 696/B, K.K. Avenue Road, Krishnanagar, near Mahila College, Bhavnagar, is hereby appointed as the legal Guardian and Manager of Ms.Kulinben Upendrabhai Khatsuriya, a person with permanent intellectual disability, for the purpose of receiving and managing the family pension and all other pensionary benefits payable in respect of the late Upendrabhai Ratilal Khatsuriya by the Western Railway, Bhavnagar Division, and for the management and administration of the pension account bearing No. 03490100008959 maintained at Bank of Baroda, Krishnanagar Branch, Bhavnagar, and of the undivided right, share and interest of Ms.Kulinben Upendrabhai Khatsuriya in the immovable property bearing Plot No. 696/B, situated on K.K. Avenue Road, Krishnanagar, Bhavnagar,

recorded at City Survey No. 5157/B, Sheet No. 176, Ward No. 5, of the City Survey Office, Bhavnagar.

3. The applicant shall exercise the powers of Guardian and Manager solely for the benefit and welfare of Ms.Kulinben Upendrabhai Khatsuriya and shall not act in any manner contrary to the interest of the said person with disability. The applicant shall not sell, mortgage, transfer, assign or otherwise create any charge over or alienate the undivided share of Ms.Kulinben Upendrabhai Khatsuriya in the aforementioned immovable property without the prior leave of this Court specifically sought and obtained.
4. The concerned authorities of the Western Railway, Bhavnagar Division, including the Senior Divisional Financial Manager, shall take note of this order and shall process the family pension and all other pensionary dues of the late Upendrabhai Ratilal Khatsuriya, under Old P.P.O. No. W/R21702/446886 and New P.P.O. No. 19947081700048, payable to Ms.Kulinben Upendrabhai Khatsuriya through her appointed Guardian, Smt. Parasben Upendrabhai Khatsuriya, in accordance with applicable rules.
5. Bank of Baroda, Krishnanagar Branch, Bhavnagar, shall take note of this order and shall permit Smt. Parasben Upendrabhai Khatsuriya to operate and manage the pension account bearing No. 03490100008959 standing jointly in the names of late Upendrabhai Ratilal Khatsuriya and late Hansaben Upendrabhai Khatsuriya, as the duly appointed Guardian and Manager of Ms.Kulinben Upendrabhai Khatsuriya. Any other bank or financial institution

holding any account standing in the name of Ms.Kulinben Upendrabhai Khatsuriya, or in respect of which she is a beneficiary, shall likewise take note of this order and permit operation of such account through the duly appointed Guardian.

6. The applicant shall maintain full transparency in the management of the affairs of Ms.Kulinben Upendrabhai Khatsuriya and may be called upon by this Court or any competent authority to render an account of such management.
7. No order as to costs.

Pronounced and signed in the open Court today this 30th day of **April, 2026** at Bhavnagar.

Date : 30.04.2026.
Bhavnagar.

[**H.S.Mulia**]
Principal District Judge,
Bhavnagar.
Unique ID Code No. GJ00915

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