



Received on : 06/09/2024  
Registered on : 06/09/2024  
Decided on : 02/05/2026

Exhibit :

IN THE COURT OF ADDITIONAL DISTRICT JUDGE,  
MORBI.

**Civil Misc. Appln. No.240/2024**

**Applicant :**

1. Trikambhai Dhanjibhai Muchhadiya, who is brother of deceased Mansukhbhai Dhanjibhai Muchhadiya, Aged: 49 yrs., Occu.: Service, Residing at Trajpar, Umiya Nagar, Tal. & Dist. Morbi.
2. Minor Daksh Mansukhbhai Muchhadiya, Aged: 7 yrs., Occu.: Study, Residing at Trajpar, Umiya Nagar, Tal. & Dist. Morbi.

**Advocate:**

Ms. K. Y. Kothari, Ld. Adv. for the Applicant.

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**Sub.** : Application under the provision of The Guardians and Wards Act.

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**-:: JUDGEMENT ::-**

- 1). The present application has been filed by the applicant no.1- Trikambhai Dhanjibhai Muchhadiya, to appoint him as natural guardian of minor children Daksha of his deceased brother- Mansukhbhai Dhanjibhai Muchhadiya son's minor and also he seek permission as an natural guardian of minor, on behalf of minor to obtain all benefits from government schemes, including financial assistance, foster parent schemes, scholarships, educational aid, loans, etc., and to provide consent as the natural guardian wherever required under such schemes, under the provision of Guardians and Wards Act.
- 2). The short facts of the case of the applicant as per application Ex.1 is that, the applicant no1 is residing at the address mentioned above alongwith minor Daksha. The applicant's brother, deceased Mansukhbhai Dhanjibhai Muchhadiya, was married to Ashaben Vashrambhai Baddha approximately seven years ago. During the span of their marriage, they had a son named Daksh, who is presently about 7 years old. Due to some grievance between them and incompatibility, they had not to continue their marital life, and hence, Mansukhbhai and Ashaben mutually decided to separate and obtained a divorce on 21/09/2022 before Notary Shri Balwantsinh H. Rathod, in

the presence of elders and witnesses. Thereafter, the responsibility of the minor Daksh was entirely borne by his father, Mansukhbhai. Subsequently, Mansukhbhai passed away on 16/10/2022. Since then, all responsibilities of the minor Daksh have been undertaken by the applicant, who is acting in the capacity of a natural guardian. Under these circumstances, in order to secure government scheme benefits, educational assistance, scholarships, and to safeguard the welfare and interests of the minor Daksh, Applicant No. 1 has been compelled to file this application.

- 3). Applicant further stated in his application that in order to avail benefits under government foster parent schemes, educational benefits, scholarships, and other financial assistance for the minor Daksh, it is necessary to open bank accounts, provide consent as guardian, and sign documents on behalf of the minor. Further, for any future requirements involving offices, banks, educational institutions, and government schemes, Applicant No. 1 seeks authorization to act and sign as the guardian of the minor. This application is made with bona fide intentions to fulfill responsibilities in the best interest of the minor and to be formally appointed as guardian for the minor's education and future welfare. Applicant No. 1 is making all efforts to ensure the welfare and best interests of the minor.

However, without proper legal authorization, the applicant has no right to act as guardian in official matters, offices, or banks, including providing consent or executing documents. Therefore, this application has been made.

- 4). Apart from the applicant, no other person is legally entitled or willing to be appointed as guardian of the minor or to undertake responsibilities related to his upbringing, education, and future. No one else has come forward to assume such responsibility or provide active support. Therefore, in the interest of the minor, the applicant seeks appointment as guardian. In light of the above, the applicant humbly prays that this Honorable Court may be pleased to grant permission under the Guardian and Wards Act to appoint Applicant No. 1 as the guardian of the minor Daksh, and to authorize him to open bank accounts, provide consent, and sign documents on behalf of the minor wherever required for obtaining government scheme benefits, educational assistance, scholarships, and related purposes.
- 5). Public notice was issued in the daily newspaper “Divya Bhaskar” dtd. 30/01/2025, which is produced in this matter vide Exh.27, but no any objection is filed by any person.
- 6). In order to prove the case as set out by the applicant in his application, seeking guardianship certificate of minor

children, namely Daksha Mansukhbhai Muchhadiya, the applicant has filed his examination-in-chief vide Exh.7, and also produced the following documentary evidences.

Sr. No.	Documents	Exh.
1.	Copy of Aadhar Card of applicant no.1	20
2.	Copy of Ration Card of applicant no.1	21
3.	Copy of death certificate of father- Mansukhbhai of minor Daksha	22
4.	Copy of divorce deed before Notary,parents of minor Daksha	23
5.	Copy of birth certificate of minor Daksh	24
6.	Copy of Aadhar Card of Minor Daksha	25
7.	Copy of Bona-fide certificate of minor Daksh issued by his school	26

- 7). The applicant no.1, Trikambhai Dhanjibhai Muchhadiya, has submitted his examination-in-chief on affidavit at Exh.7 and reiterated all the facts as he has stated in his main application. On verification of the aforesaid documentary as well as oral evidence produced by the applicant, it becomes clear that the aforesaid child is minor and the present applicant is his deceased father's brother. I have heard the arguments of the Ld. Advocate for the applicant, Ms. K. Y. Kothari. The present application is found well supported, and therefore, considering the affidavit and documentary evidence on record, I believe that there is no reason to disbelieve the say of the

applicant. Considering the facts and circumstances of the case and the affidavit of the applicant as stated above, it appears that, the applicant wants to be appointed himself as guardian of the above minor. Further, this Court has also issued notice to Ashaben Vashrambhai Baddha, the mother of the minor child Daksh, which has been duly served upon her as per speed-post tracking report vide Exh.25, it reveals that item delivered on 02/03/2026 to the mother of minor Daksh and affidavit of applicant no.1 vide Exh.26, but none has appeared on behalf of her to contest the present application. Moreover, no any other party has resisted the contents of the application, neither it has been objected by any person during the course of recording evidence produced by the applicant, though the public notice issued by the applicant. In our instant case, it also appears that, at present the above named minor is under the care of the applicant and the future of these minor would be safe as far as the applicant is concerned.

- 8). It is also required to be noted that, there is no natural guardian of the minor in his family, as his father is dead and his mother got divorced. Further, at present, the minor child is being taken care by the applicant, being brother of deceased Mansukhbhai. The applicant, being the uncle of the minor child Daksh, has attachment and concern about the child, not only it but the child also may has affection

towards his uncle, as he know him very well since long. Needless to say that, the minor child is required to be wardened and taken care of not only for his maintenance but also for his proper education and to stand in the society. Therefore, considering all the facts and circumstances, I believe that, the applicant can be appointed as the legal guardian of minor child Daksha so that, he may be taken care of minor in future. Therefore, following order is passed.

-:: **ORDER** ::-

- 1). The present application is hereby allowed.
- 2). The applicant, Trikambhai Dhanjibhai Muchhadiya, is appointed as the legal guardian of minor child, namely, Daksha Mansukhbhai Muchhadiya; and he is permitted to administer and to act as his guardian as prayed for.
- 3). Necessary guardian certificate be issued in favour of the applicant; and on issuance of the guardian certificate, the applicant shall have right, title or interest to administer and to act as a guardian of the above named minor child.
- 4). The applicant shall not act anything against the interest of the minor children, not only in respect of their education, social security but also with regard to the properties if any. He shall take care of the children, and welfare and

benefit of the minors would be the prior most necessity for him as legal guardian of the children.

5). No order as to cost.

This judgment pronounced in open Court today, on this 2<sup>nd</sup> day of May, 2026 at Morbi.

(Kamal Rasiklal Pandya)  
Additional District Judge,  
Morbi  
Judge Code GJ00739

/bmd/

