

**IN THE COURT OF DISTRICT JUDGE
DIBRUGARH**

Misc. (G) Case No. 4/2021

Smt. Niru Sonowal,
W/o- Sri Ramnath Sonowal,
R/o- Tepor Gaon,
PO- CR Building,
PS & District- Dibrugarh. Petitioner

Advocate for the Petitioner : Kazi Safiqul Islam.

Date of Order : 03-02-2022.

ORDER

1. The petitioner Smt. Niru Sonowal has filed the instant petition under Section 10 of the Guardian and Wards Act, 1890 praying for grant of guardianship in respect of her granddaughter, namely, Miss. Khushi Sonowal, daughter of Late Sailen Sonowal and Late Anima Baruah Sonowal.

2. The petitioner's case in brief is that the parents of the minor Khushi Sonowal, that is, her son Sailen Sonowal expired on 03-09-2019 and her daughter-in-law Anima Baruah Sonowal subsequently expired on 06-05-2021. The petitioner has stated that her husband (grandfather of the minor Sri Ramnath Sonowal) and Sri Hemanta Baruah (maternal uncle of the minor) are the other next-of-kin of the said minor.

3. The petitioner has stated that both her son and daughter-in-law having been expired, the minor Miss. Khushi Sonowal continued to reside with her and it is she who is bringing up the minor and taking all responsibilities with regard to her maintenance, education, etc., and she is under the care and protection of the petitioner. In the circumstances, the petitioner has prayed that she ought to be declared as the guardian of the minor in respect of the person and property. The petitioner has further stated that she is a fit person

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to be declared as guardian of the minor, in as much as, her grandfather is old and ailing. It has been further stated that there is no impediment in so declaring her as guardian and this Court has the power to grant the relief under Section 7 of the Guardian and Wards Act.

4. Notices were issued as per rule and duly served. None appeared and filed any objection. The petitioner has filed her evidence on affidavit, reiterating the statements made in the petition. The petitioner has exhibited the birth certificate of Minor Miss. Khushi Sonowal (Ext. 1), death certificate of Late Sailen Sonowal (Ext. 2), death certificate of Late Anima Baruah Sonowal (Ext. 3), recurring deposit in Santipara SO bearing A/C No. 4408359494 (Ext. 4), recurring deposit normal account bearing A/C No. 4813336301 in Post Office Santipara SO in the name of Anima Baruah Sonowal (Ext. 5), LIC Endowment Policy bearing Policy No. 444083162 in the name of Anima Baruah Sonowal (Ext. 6), LIC's New Bima Gold Policy bearing Policy No. 444433736 in the name of Anima Baruah Sonowal (Ext. 7), bank passbook in connection with account in SBI Dibrugarh Branch Thanachariali in the name of Anima Baruah Sonowal bearing A/C No. 31251683319 (Ext. 8) and the bank passbook in connection with account in SBI Dibrugarh Branch Thanachariali in the name of minor Miss. Khushi Sonowal bearing A/C No. 40220926703 (Ext. 9).

5. Evidence of Miss. Licky Sonowal has also been filed as petitioner's witness No. 2. PW-2 has stated that she is the daughter of Sri Ramnath Sonowal and parents of the minor Miss. Khushi Sonowal, having expired, the said minor is in custody of the petitioner/her paternal grandmother, Smt. Niru Sonowal and resides with her/the petitioner at Village Tepor Gaon, Dibrugarh.

6. Heard the learned Counsel for the petitioner.

7. From the oral and documentary evidence, it transpires that Late Anima Baruah Sonowal expired on 06-05-2021 and her husband Sailen Sonowal had predeceased her. At the time of death, Anima Baruah Sonowal left behind the following deposits:

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Sl. No.	Policy/Account holder's name	Policy/Account	Amount (interest, etc., if any to be added by the LIC/Bank/Post Office)
1	Anima Boruah Sonowal	Recurring deposit in Santipara SO bearing A/C No. 4408359494	Rs. 25,000/-
2	Anima Boruah Sonowal	Recurring deposit normal account bearing A/C No. 4813336301 in Post Office Santipara SO	Rs. 11,000/-
3	Anima Baruah Sonowal	LIC Endowment Policy bearing Policy No. 444083162	Rs. 1,10,000/-
4	Anima Boruah Sonowal	LIC's New Bima Gold Policy bearing Policy No. 444433736	Sum Assured under Basic Plan Rs. 1,15,000/- Extended Term Cover Benefit Rs. 57,500/- Accidental Benefit Rider Sum Assured Rs 1,15,000/-
5	Anima Boruah Sonowal	A/C No. 31251683319, SBI Dibrugarh Branch, Thanachariali.	Rs. 9,15,205/-

8. None has appeared in the present case to file objection in grant of guardianship to the petitioner in respect of the person and property of the minor Miss. Khushi Sonowal.

9. The minor granddaughter of the petitioner, namely, Miss. Khushi Sonowal appeared in this Court today, i.e., on 03-02-2022 and stated that she is at present a student of Standard-V at St. Xavier's School, and she is being looked after and taken care by her grandmother Smt. Niru Sonowal.

10. Admittedly, the minor child is in the care and custody of the petitioner. There appears to be no collusion in filing the present case. The petitioner being the grandmother of the minor Miss. Khushi Sonowal, the said minor is in her care and protection, hence it can be safely presumed that the petitioner

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will act in the best interest of the minor child. There is no material on record to draw adverse interference against the petitioner.

11. This petition is accordingly allowed.
12. The petitioner, Smt. Niru Sonowal is hereby appointed as guardian of Miss. Khushi Sonowal in respect of her person and property till she attains majority.
13. Issue Guardianship Certificate in favour of the petitioner subject to the petitioner filing an indemnity bond that the amounts reflected in Schedule-A above, would be used for the education and benefit of the minor Miss. Khushi Sonowal. The petitioner is to file Half Yearly Statement of Account till the minor attains the age of majority. The petitioner is to file a declaration of willingness to act as guardian and said declaration must be signed by her and attested by at least two witnesses.
14. The instant case is accordingly disposed of.

Given under my hand and seal of this Court on this the 3rd day of February, 2022 at Dibrugarh.


District Judge,
Dibrugarh
Dibrugarh