

CHAPTER XXIV

GUARDIAN OF MINORS AND OF PERSONS OF UNSOUND MIND

355. Application for foreigner for appointment as guardian of person or property of minors. – (a) When a foreigner makes an application in person, or through an Advocate, for being appointed as the guardian of the person or property of a minor not related to him, such Advocate or party in person shall address a letter to the Secretary of the Indian Council of Social Welfare, Bombay, forwarding therewith a copy of such application, and informing him of the date fixed for the hearing thereof, and further requesting him that any representation which the Indian Council of Social Welfare may make in the matter, should be submitted to the Prothonotary and Senior Master of this Honorable Court, in writing in duplicate four days before the hearing of the said application and that such a representation would be considered by the Court before passing the order on the application . The Court may, while passing the order on the application, direct the applicant to pay, as condition precedent, such sum as it may fix to the Indian Council of Social Welfare, Bombay, as costs of making the representation. If costs are awarded to the Council, the Prothonotary and Senior Master shall not issue a certified copy of the order made on the application, to the applicant, until he produces a receipt from the Council for payment of their costs awarded to the Court.

Endorsement of copies of orders to the Government of India. – (b) Whenever foreign nationals are declared of Indian Children with permission to remove such children out of India under the provisions of the Guardians and Wards Act, 1890, copies of such orders shall be endorsed to the Government Of India, Ministry of Education and Social Welfare (Department of Social Welfare).

356. Commissioners to be informed of the appointment of a guardian of minor's property etc. - When an order is made appointing a person guardian of the property of a minor, the Prothonotary and Senior Master shall, on issuing the order of appointment, forward to the Commissioner a certificate stating the name of such guardian and the terms and conditions, if any, on which such appointment has been made.

357. Instructions to guardians. - Except in cases falling under Rule 355 above, whenever an order is made declaring or appointing a person the guardian of the person or of the property of a minor, there shall be annexed to the order instructions for the guidance of such guardian in Form No. 79 with such variations as the circumstance of the case may require.

358. Deposit of minor's money. - When the Court is of the opinion that it is necessary to safeguard the moneys which a minor is entitled to in a suit or matter, the Court, shall ordinarily direct that the moneys belonging to the minor be deposited with the Accounts Officer of the High Court. When making the order, the Court shall, as far as possible, state the date of birth of the minor or the age of the minor. Such statement shall be incorporated in the decree or order.

359. Investment of minor's money - When a decree or order directs money to be deposited with the Accounts Officer on behalf of a minor in a suit or matter, the Accounts Officer shall, unless otherwise ordered invest the money in securities prescribed in Rule 857. Any surplus interest in his hands not required to be paid over to the minor or his guardian and aggregating to Rs. 200 or over shall also be invested by the Accounts Officer in the said securities.

The Accounts Officer shall forward a statement of such investments of the Prothonotary and Senior Master for the information of the Chief Justice every year.

360. Certain rules to apply to guardians of minors. - Rules 512, 513, 514, 515, 590, 594(a) and 595, shall, with any necessary modifications, apply to a guardian of the person or property of a minor appointed by the Court.

361. Commissioner's certificate to be obtained before depositing unascertained sum with Accounts Officer. - When a decree or order directs an unascertained sum to be deposited with the Accounts Officer of the High Court on behalf of a minor, the party concerned or his Advocate on record shall lodge in the office of the Commissioner accounts with all vouchers relating thereto for verification in a summary manner of the sum to be deposited and shall obtain from the Commissioner a certificate as to the correct amount of such sum. The Accounts Officer shall not receive any such sum unless accompanied by such a certificate, provided however that

this certificate, shall not be required when money is deposited either by the Prothonotary and Senior Master or by the Commissioner or by the Court Receiver, or if such certificate is expressly dispensed with by order of the Court or the Judge in Chambers.

362. Ascertained amount to be deposited and Accounts Officer's receipt to be produced before Commissioner. - Within seven days from the issue of the Commissioner's certificate mentioned in Rule 361 the party concerned or his Advocate on record shall forward the amount specified in the Certificate to the Accounts Officer and within seven days thereafter shall produce before the Commissioner for his inspection the receipt of the Accounts Officer in respect of the amount so forwarded. In default of the production of the said receipt within the period aforesaid, the Commissioner shall refer the matter to the Judge in Chambers, who after hearing the party concerned or Advocate on record shall make such order as he may deem fit.

363. Bond by guardian of property of minor. - The bond to be given by a guardian of the property of a minor shall, unless otherwise ordered, be with two sufficient sureties to be approved of by the Prothonotary and Senior Master and shall be in Form No. 80 with such variations as the circumstances may require.

364. Rules in this chapter to apply to persons of unsound mind. - The provisions contained in the rules in this Chapter shall, with any necessary modifications, apply to persons of unsound mind.
