

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 12TH DAY OF MARCH 2015

THE HON'BLE MR. JUSTICE R.SUBBIAH

O.P.NO.131 OF 2003

In the matter of the
Guardians and Wards Act 1890
and
In the matter of Minor
G.Sandeep

G.Estheramma,
W/o.G.Late G.Elisha,
Door No.12, Telugu Colony,
Madhavaram, Chennai 51

...Petitioner

-vs-

1.G.Samson,
S/o.Late G.Chinnaiah,
Door No.209, 9th Street
Kamaraj Nagar, Korukkupet
Chennai 21

2.G.Shylaja,
W/o.G.Samon,
Door No.209, 9th Street
Kamaraj Nagar, Korukkupet
Chennai 21

...Respondents

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This Original Petition praying that this Hon'ble Court be pleased to appoint the petitioner as the legal guardian of the person of Minor G.Sandeep.

This Original Petition coming on this day before this Court for hearing the court made the following order:

This petition has been filed under Sections 3,7 to 10 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 & 3 of the High Court Original Side Rules, seeking an order to appoint the petitioner as the legal guardian of the person of Minor G.Sandheep.

2. It is stated in the accompanying affidavit that the marriage between the petitioner and her husband, namely G.Elisha was solemnized on 11.05.1979 at Chennai and no child was born to the petitioner and her husband. On 06.06.2009, the petitioner's husband died. The petitioner is working as Sanitary Worker in Corporation of Chennai. The petitioner states that the second respondent is her own sister and the first respondent is her brother-in-law. The marriage between the first respondent and the second respondent was solemnized on 14.09.1997 at Andhra Pradesh State. Out of wedlock, the second respondent gave birth to two male children, namely G.Sandheep on 21.10.2002 and G.Sanjai on 16.08.2007. The petitioner states that from the year 2007 and till date Minor G.Sandheep has been brought up by her only. From the year 2007 and till date, neither the first respondent nor the second respondent spent anything for the welfare or upbringing of the Minor G.Sandheep. The petitioner states that she is working as Sanitary Worker in Corporation of Chennai and her present gross salary is Rs.17,942/- per month. The petitioner

states that she is financially well placed and has means to take care of the welfare of Minor G.Sandheep in the absence of the respondents.

3. The petitioner states that since the respondents, who are the natural parents of Minor G.Sandheep, have not been taking care of the welfare of Minor G.Sandheep from the year 2007 and till today, necessity arises of the petitioner to file this petition, seeking to appoint her as the legal guardian of the person of Minor G.Sandheep. Hence, the petitioner is seeking the relief as stated in the petition.

4. The petitioner examined herself as P.W.1 and Exs.P.1 to P.5 were marked on the side of the petitioner.

1. Ex.P1 is the computer generated copy of the Birth Certificate of the sister's son of the petitioner, G.Sandeep, who was born on 21.10.2002.

2. Ex.P.2 is the computer generated copy of the Death Certificate of the deceased Husband, G.Elisha, who died on 06.06.2009.

3. Ex.P.3 is the original certificate, dated 05.04.2012 in respect of minor G.Sandheep issued by the A.E.M.Matriculation School.

4. Ex.P.4 is the photocopy of the school I.D.Card of the minor G.Sandheep.

5. Ex.P.5 is the photocopy of the family Card.

6. Ex.P.6 is the photocopy of the identity

card, dated 05.04.2013 issued by Chennai Corporation.

7. Ex.P.7 is the original salary slip of the petitioner for October 2013.

8. Ex.P.8 is the original school fees receipt of the minor son G.Sandheep.

9. Ex.P.9 is the photocopy of the Life Insurance policy bond stands in the name of the petitioner, bearing Policy No.719619727.

10. Ex.P.10 is the original acknowledgement card, dated 23.04.2012 for nomination.

11. Ex.P.11 is the declaration and willingness of the petitioner.

5. The first respondent, G.Samson, who is the father of the minor G.Sandheep and he has given consent affidavit stating that he has no objection for appointing the petitioner as the legal guardian of his son, G.Sandheep, which is marked as Ex.R.1.

6. Having considered the facts and circumstances and also the fact that the father of the minor G.Sandheep has given consent affidavit, this Court finds it just and reasonable to allow this petition, based on the material papers, the averments made in the accompanying affidavit and also the submissions made by the learned counsel for the petitioner.

7. In the result, the Original Petition is allowed and

ordered as prayed for and accordingly, the petitioner is appointed as legal guardian of the person of minor G.Sandheep.

sd/.R.P.S.J
12.03.2015

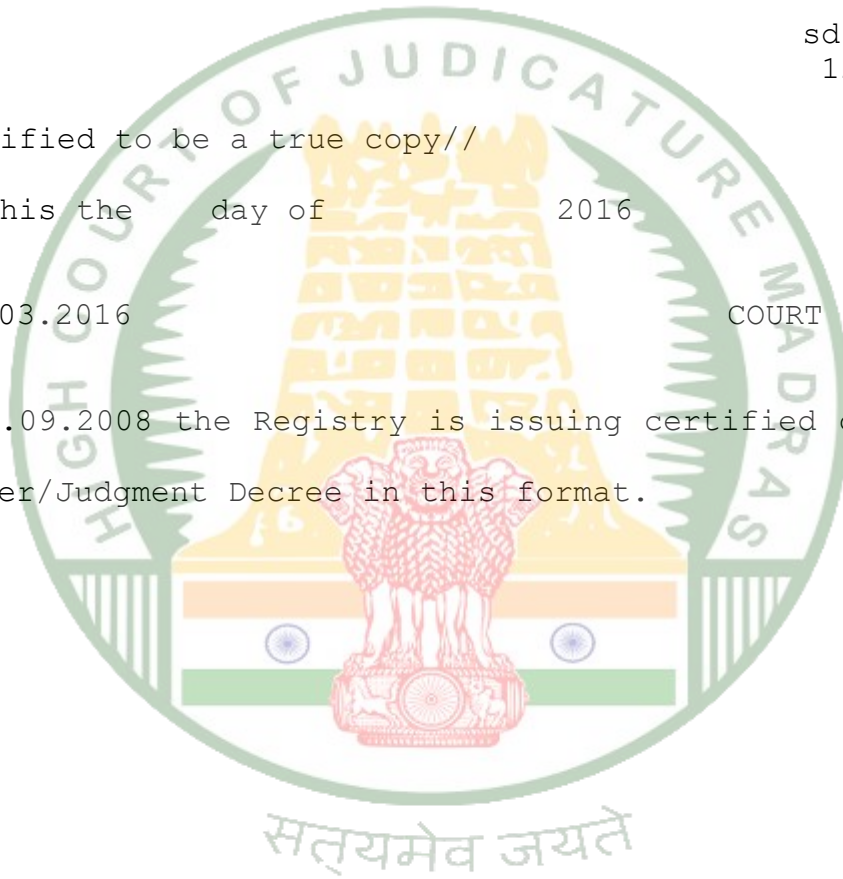
//Certified to be a true copy//

Dated this the day of 2016

R.s/04.03.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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