

O.P.No.402 of 2014

R.SUBBIAH, J

This Petition has been filed under Sections 3 and 7 to 10 and 29 of the Guardians and Wards Act, 1980 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the petitioner as the Guardian of the person and property of minors (1)A.Jameela Ashra and (2)A.Sakina Afreen.

2.In the petition, it is stated that the minors (1)A.Jameela Ashra and (2)A.Sakina Afreen were born on 02.11.1998 and 20.09.2004 respectively. The petitioner is the paternal grandfather of the minors. The petitioner's son (M.S.Alaudeen) and daughter-in-law (Hidayath Nisha) viz., the parents of the minors died on 03.10.2009 at Nagar East Puram, Ulundurpet Taluk. The minors have one elder brother and one elder sister viz., A.Samshul Huda (born on 29.09.1994) and A.Noor Fathima (born on 07.04.1996). The property of the mother of the minors had already been sold when she was alive. The deceased M.S.Alaudeen, father of the minors left a sum of Rs.10,24,570/- in S.B. A/c. No.300201010009237 in Vijaya Bank, Moore Street Branch, Chennai – 1, out of which, the minors are entitled to Rs.4,09,828/-. When the petitioner applied for succession certificate for claiming the

money deposited in Vijaya Bank, he was directed to obtain an order from this Court to the effect that the petitioner is the guardian of the minors. Hence, the petitioner has filed the present petition for the relief stated supra.

3.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P15;

Ex.P1 is the photocopy of the death certificate of the petitioner's deceased son M.S.Alaudeen, who died on 03.10.2009.

Ex.P2 is the photocopy of the death certificate of Hidayat Nisha, W/o.M.S.Alaudeen, who died on 03.10.2009.

Ex.P3 is the photocopy of legalheirship certificate dated 24.12.2009 in respect of M.S.Alaudeen.

Ex.P4 is the photocopy of birth certificate of the petitioner's grand daughter Noor Fathima, born on 07.04.1996.

Ex.P5 is the original birth certificate of the petitioner's grand daughter A.Jameela Asra, born on 02.11.1998.

Ex.P6 is the original birth certificate of the petitioner's another grand daughter A.Shaeena Afrin, born on 20.09.2004.

Ex.P7 is the photocopy of the petitioner's family card.

Ex.P8 is the photocopy of savings pass book bearing Account No.9237 at Vijaya Bank, Chennai held by the petitioner's deceased son M.S.Alaudeen.

Ex.P9 is the photocopy of letter dated 18.11.2013 sent by the petitioner's grandson A.Samshul Huda, addressed to the Branch Manager, Vijaya Bank with regard to claim amount of the deceased M.S.Alaudeen.

Ex.P10 is the photocopy of letter dated 18.11.2013 sent by Vijaya Bank, addressed to the petitioner's grandson A.Samshul Huda for obtaining the succession certificate from competent Court.

Ex.P11 is the consent affidavit given by the first respondent stating that he has no objection in appointing the petitioner as paternal grandfather of the minors.

Ex.P12 is the consent affidavit given by the second respondent stating that she has no objection in appointing the petitioner as paternal grandfather of the minors.

Ex.P13 is the no objection given by the petitioner's grandson A.Samshul Huda stating that he has no objection in appointing the petitioner as the paternal grandfather of the minors.

Ex.P14 is the no objection given by the petitioner's granddaughter A.Noor Fathima stating that she has no objection in appointing the petitioner as the paternal grandfather of the minors.

Ex.P15 is the petitioner's declaration of willingness to accept the guardian of the person and property of the minors.

He has also stated that he has not filed any other petition before any other Court seeking the same relief.

4.Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the reliefs as sought for in the petition.

5.In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person and property of minors (1)A.Jameela Ashra and (2)A.Sakina Afreen. The petitioner is permitted to receive the amount on behalf of the minors and deposit the same in any nationalised Bank in the name of the minors. The petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

24.03.2015

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R.SUBBIAH, J

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