

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 30TH DAY OF JANUARY 2015

THE HON'BLE MR. JUSTICE R. SUBBIAH

O.P.No.315 OF 2013

In the matter of Guardian
and wards Act, 1890
And
In the matter of Minor
Akhil, born on 19.7.2007.

Rupika,
W/o.Y.H. Ravindranathbabu,
No.12, Vantage Springs,
Srinivasapuram,
Thiruanmiyur,
Chennai 600 041.

... Petitioner

VS

V.Sridhar,
S/o.Veeraraghavan,
A1, 143, 1st floor, 1st Street,
Anna Nagar,
Chennai 40.

...Respondent

Original petition praying that this Hon'ble Court be pleased to grant an order for appointing the petitioner as the guardian of the person of the minor Akhil.

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 and 7 to 12 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

of minor Akhil.

2.In the petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 18.05.2006 at Trichy and from the date of marriage, she was harassed by the respondent. Out of wedlock, the petitioner gave birth to a male child on 19.07.2007. The respondent, having attended the naming ceremony of the child, deserted the petitioner as well as the child and left for Bangalore. The respondent filed H.M.O.P.No.420 of 2007 before the Sub Court, Trichy for divorce and obtained a decree of divorce on 18.01.2011. Subsequently, the petitioner remarried and the second husband is only taking care of the petitioner and her child. Since the petitioner is only taking care of the child since his birth and the respondent is not interested in the child, she has filed the present petition for the relief stated supra.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P4;

Ex.P1: Photocopy of birth certificate of minor

S.S.Akhil, who was born on 19.07.2007.

Ex.P2: Photocopy of divorce order in H.M.O.P.No.420 of 2007 dated 18.01.2011 passed by the Principal Sub Court, Trichy.

Ex.P3: Copy of the paper publication effected in one issue of Tamil Daily Dina Thanthi, Bangalore Edition dated 02.11.2014 for substituted service to the respondent.

Ex.P4:Petitioner's declaration of willingness to accept the office of guardian of the person of her minor son Akhil.

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

4.Though notice was served on respondent by way of publication, he has not chosen to enter appearance in the Original Petition. Hence, 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 relief sought for in the petition.

5.In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person of minor Akhil. 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.

sd/.R.P.S.J

30.01.2015

//Certified to be a true copy//

Dated this the day of 2015.

R.s/20.03.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of

the Order/Judgment Decree in this format.

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