

O.P.No.475 of 2013**R.SUBBIAH, J**

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 and property of minor V.A.Mohamed Hussain.

2.In the petition, it is stated that the minor V.A.Mohamed Hussain was born on 20.01.2002 to the petitioner and her husband V.S.A.Abdul Khader. Her husband is employed in Singapore and he purchased a property bearing Old Door No.79, 254, New No.159, Thambu Chetty Street, Chennai – 1, measuring an extent of 1307 sq.ft. in his name and the minor, in the auction held by Indian Overseas Bank, Anna Salai under the SARFEASI Act, registered as Document No.116/2007 and the sale certificate was also issued in the name of minor as well as his father. Since her husband is employed in Singapore, she is finding it difficult to maintain the property on behalf of the minor and hence, 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 P6;

- Ex.P1: Original birth certificate of minor V.A.Mohamed Hussain, who was born on 20.01.2002.
- Ex.P2: Photocopy of family card for the period 2005-2009 showing the name of the petitioner and her minor son.
- Ex.P3: Photocopy of the sale certificate dated 30.03.2007 issued in favour of petitioner's husband and her minor son registered as Document No.116/2007.
- Ex.P4: Consent affidavit dated 25.04.2013 given by the petitioner's husband for appointing her as guardian of their minor son.
- Ex.P5: Copy of the paper publication effected in one issue of Tamil Daily Makkal Kural dated 12.09.2013.
- Ex.P6: Petitioner's declaration of willingness to accept the office of guardian of person and property of her minor son V.A.Mohamed Hussain.

She has also stated that she 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 minor V.A.Mohamed Hussain. 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.

30.01.2015

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