

O.P.No.542 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 M.Devi and to permit her to receive the family pension from the Southern Railway, Chennai on behalf of the minor.

2.In the petition, it is stated that the petitioner is the elder sister of minor M.Devi, who was born on 09.06.2000. Her father A.Masilamani died on 14.11.2003, leaving behind his wife and two daughters viz., the petitioner and minor M.Devi as legal heirs. Subsequently, the petitioner's mother also died on 13.07.2006. The petitioner's father was working as Senior Trackman in Southern Railway and died in harness. Therefore, the petitioner was given appointment on compassionate grounds in the Southern Railway. When the petitioner applied for family pension and terminal benefits, the authorities by letter dated 15.11.2010 have directed her to obtain suitable orders from this Court to receive the family pension on behalf of minor

M.Devi. 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: Photocopy of the death certificate of the petitioner's father A.Masilamani, who died on 14.11.2003.

Ex.P2: Photocopy of the death certificate of petitioner's mother Soundari, who died on 13.07.2006.

Ex.P3: Photocopy of the legal heirship certificate dated 16.12.2003.

Ex.P4: Photocopy of the mark sheet of the minor M.Devi issued by St.Joseph's Girls Primary School, Jolarpettai.

Ex.P5: Photocopy of the letter dated 15.11.2010 given by Southern Railway to the petitioner directing her to obtain guardianship from the competent Court for receiving family pension on behalf of the minor M.Devi.

Ex.P6: Petitioner's declaration of willingness to accept the office of the guardianship of the person and property of the minor M.Devi.

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 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 M.Devi and she is permitted to receive the family pension from the Southern Railway on behalf of the minor M.Devi. 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

mmi

R.SUBBIAH, J

mmi

O.P.No.542 of 2013

30.01.2015