

HONOURABLE SRI JUSTICE G. CHANDRAIAH

AND

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CIVIL MISCELLANEOUS APPEAL No. 463 OF 2008

DATED 10TH APRIL, 2015.

BETWEEN

Gannamaneni Govindaiah and ors

...Appellants

And

Yadla Ratna Siri, minor, aged about 14 years,

Rep. by her natural guardian and father

Yadla Sambasiva Rao.

...Respondent.

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CIVIL MISCELLANEOUS APPEAL No. 463 OF 2008

ORDER: (per Hon'ble Sri Justice G. CHANDRAIAH)

This Civil Miscellaneous Appeal under Section 47 of the Guardian Wards Act, 1890 is filed challenging the order and decree dated 5.3.2008 passed by the learned First Additional District Judge, Ongole, partly allowing GWOP.No. 20 of 2003 filed by the respondent herein under Section 10 of the Guardian Wards Act, 1890 seeking to appoint him as guardian for the person and property of the minor girl, Yadla Ratna Siri.

One Yadla Samba Siva Rao, claiming to be the natural father and guardian of the minor girl, namely, Yadla Ratna Siri, filed the aforesaid GWOP under Section 10 of the Guardian Wards Act seeking to appoint him as the guardian for the person and property of the said minor girl, contending that after the death of his wife, by name Seethamma, who is the natural mother of the minor girl child, the respondents/appellants herein are not interested in education and welfare of the minor girl child and that he (the respondent herein) being the natural father is very much affectionate towards the minor child and would provide better education to her. The said OP was opposed by the appellants herein by filing a counter affidavit. The Court below, on thorough consideration of the evidence and material brought on record, partly allowed the said, by order dated 5.3.2008, appointing the said Yadla Samba Siva Rao as guardian of the minor girl child/respondent herein, subject to certain terms and conditions stated in the said order. Challenging the same, the present appeal is preferred.

At the time of filing the said OP in the year 2003, the minor girl child is said to be aged about nine years. Today, when this appeal is taken up for hearing, the learned Counsel on either sides submit that the respondent-minor girl child has attained majority and now she is a major.

In view of the aforesaid submission of the learned Counsel on either side, there is no need to proceed further in the appeal inasmuch as the very cause of action in the appeal has become infructuous.

The Civil Miscellaneous Appeal is closed. Miscellaneous petitions pending consideration if any in the Civil Miscellaneous Appeal shall stand closed in consequence. No order as to costs.

JUSTICE G. CHANDRAIAH

JUSTICE M.S.K. JAISWAL

DATED 10TH APRIL, 2015.

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