

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNEESDAY, THE 20TH DAY OF JANUARY 2016

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

O.P.No.368 of 2014

In the matter of Guardian
and Wards Act.1890

In the matter of S.Varshiha
Minor Female child born on
09.04.2011.

Mrs.B.Latha
W/o.S.Saravana Kumar,
D/o.Babu,
Flat No.301, 3rd Floor,
Tamil Nadu Tower,
T.H.Road, Tondiarpet,
Chennai-600 081.

..Petitioner

-Versus-

Mr.S.Saravana Kumar,
S/o.Sakkubai Devar,
No.100/B7, Pudhu Nagar,
Viruthachalam Road,
Jayakondam, Ariyalur District
And also known at

Flat No.C, 1st Floor,
Sri Karpaga Vinayagar Flats,
Door No.26/1, Raju Street,
West Mambalam,
Chennai-600 033.

..Respondent

Original Petition praying that this Hon'ble Court be
pleased to;

i)appoint the petitioner as guardian of the person of
the minor child S.Varshiha and

ii)grant the custody of minor child S.Varshiha to the
petitioner from respondent's.

This Original Petition coming on this day before this court for hearing the court made the following order:

This is a petition filed under Sections 3, 7 to 10 of the Guardian and Ward's Act, seeking appointment of the petitioner as the Guardian of the person of the minor by name, S.Varshiha, born on 9 April 2011.

2. The marriage of the petitioner and the respondent was solemnized on 6 September 2006. It was second marriage for the respondent. In the wedlock with the respondent, a female child named S.Varshiha, was born to the petitioner on 9 April 2011. The child completed four years on 9 April 2015.

3. The relationship between the petitioner and the respondent was not cordial. The parties therefore started residing separately. The minor child is now under the care and custody of the respondent. The petitioner wanted the custody of her minor daughter and for the said purpose, she seeks appointment as guardian.

4. The respondent filed a counter affidavit and opposed the prayer. According to the respondent, he is taking care of the minor child and as such, there is no need to send the child with the petitioner.

5. The petitioner was examined as P.W.1. She was cross examined by the respondent.

6. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

7. The only question that arises for consideration is as to whether the petitioner is entitled to be declared as the guardian of the person of the minor child.

8. The minor was born on 9 April 2011. Since the child is a female child, she should have the company of her mother. The respondent is residing with his parents at Jayamkondam. The child is studying in UKG. It would not be possible for the respondent to take care of the female child, given her age. I am therefore of the view that the custody of the minor child should be given to the petitioner.

9. The petitioner is appointed as the guardian of the person of the minor child S.Varshiha, born on 9 April 2011. Since the minor is now undergoing her UKG education at Jeyamkondam, and the course would be over only by 31 March 2016, custody of the child with the petitioner would commence from 1 April 2016. The petitioner is directed to enroll the child in any of the institutions at Chennai in First Standard. The respondent is permitted to take the child once in two weeks, without causing difficulties to her studies.

7. The original petition is allowed, as indicated above. No costs.

sd/.K.K.S.J
20.01.2016

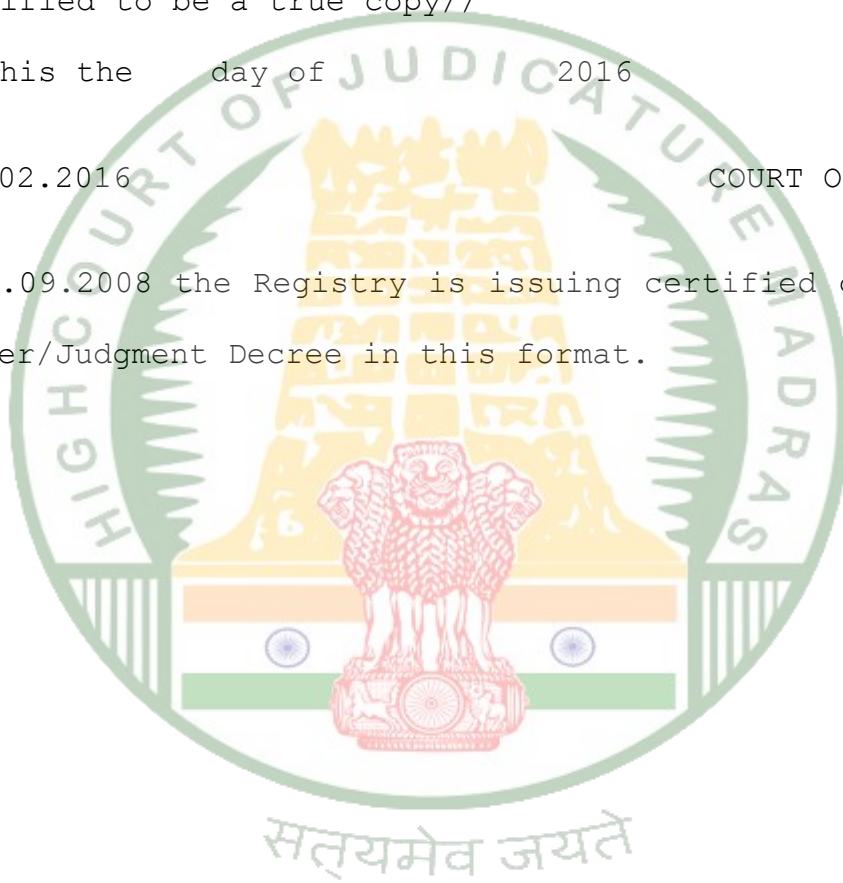
//Certified to be a true copy//

Dated this the day of 2016

R.s/23.02.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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