

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.12.2016**

CORAM:

THE HONOURABLE MRS.**JUSTICE PUSHPA SATHYANARAYANA**

C.R.P.(P.D.) No.145 of 2015 and
M.P.No.1 of 2015

1. Raseetha
2. Mohammed Ali
(Mentally disordered)
rep. by sister and Guardian
Raseetha
...Petitioners

versus

1. A.K.Palaniappan
2. Noorjahan
3. Mubarak Ali
...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 25.07.2014 made in I.A.No.780 of 2011 in O.S.No.155 of 2011 on the file of the Subordinate Court, Sankari.

For Petitioners : Ms.Zeenath Begum
For 1st Respondent : Mr.N.Manokaran
For Respondents 2&3 : Given up

ORDER

The revision is filed by the defendants 2 and 3 challenging the order appointing the 2nd defendant as Guardian of the 3rd defendant, who is mentally unsound.

2. The objection of the revision petitioner is that she is not willing to get herself appointed as the Guardian of the 3rd defendant. But, excepting the Memorandum of Grounds, nowhere, it is stated that the 2nd respondent has expressed her own willingness. Even in the petition filed along with the affidavit, specifically, the name of the 2nd respondent is mentioned, who is the sister of the 3rd respondent. There is no objection filed by the 2nd respondent for specifying her name for appointment of guardian. A memo also has been filed by the plaintiff stating that in another suit in O.S.No.121/2010 on the file of the District Munsif, Sankari, the same 2nd respondent was appointed as a guardian for the 3rd respondent vide I.A.No.1055/2011 dated 21.09.2011. While so, the suit is filed only to drag on the proceedings and there is no bonafides in the merits in the case of the defendants. Hence, the Civil Revision Petition is dismissed confirming the order of the learned

Subordinate Judge, Sankari. No costs. Consequently, connected
Miscellaneous Petition is closed.

22.12.2016

Index:Yes/No
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To

The Subordinate Judge, Sankari.

PUSHPA SATHYANARAYANA, J.

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