

O.P.No.642 of 2013**M.M.SUNDRESH, J**

This Petition has been filed under Sections 3 and 7 to 10 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 minors (1)P.Bhavani and (2)P.Thirumani Kumar.

2.In the petition, it is stated that the minors (1)P.Bhavani and (2)P.Thirumani Kumar born on 04.07.2005 and 30.10.2008 respectively are the children of the petitioner's daughter – A.Kaleeswari, who died on 10.07.2010 and her husband viz., the father of the minor children also died on 25.12.2010. The petitioner is the maternal grandmother of the minor children and the respondent is the paternal grandfather of the minors. The deceased father of the minors subscribed to a life insurance policy for Rs.1,00,000/-, wherein the deceased mother of the minors was shown as a nominee. The petitioner is only taking care of the minors and 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 P11;

Ex.P1 is the photocopy of the birth certificate of the petitioner's granddaughter P.Bhavani, who was born on 04.07.2005.

Ex.P2 is the photocopy of the birth certificate of the petitioner's grandson Thirumani Kumar, who was born on 30.10.2008.

Ex.P3 is the computer generated copy of the death certificate of the petitioner's deceased daughter Kaleeswari, who died on 10.07.2010.

Ex.P4 is the computer generated copy of the death certificate of the petitioner's deceased son-in-law A.Pon Mariappan, who died on 25.12.2010.

Ex.P5 is the photocopy of the legal heirship certificate dated 23.12.2011 in respect of the petitioner's deceased daughter P.Kaleeswari.

Ex.P6 is the photocopy of the life insurance policy certificate dated 22.04.2005 standing in the name of the petitioner's deceased son-in-law A.Ponmariappan.

Ex.P7 is the photocopy of the petitioner's electoral I.D. Card bearing No.X0E0639955.

Ex.P8 is the photocopy of the petitioner's family card bearing No.28/G/0178034 for the period 2005-2009.

Ex.P9 is the certified copy of the sale deed dated 19.02.2007 executed in favour of the petitioner's deceased son-in-law A.Ponmariappan and others.

Ex.P10 is the declaration of willingness to accept the office of guardianship for the person and property of the minors viz., P.Bhavani and P.Thirumanikumar.

Ex.P11 is a copy of paper publication effected in one issue of Tamil Daily Thina Boomi dated 15.03.2015.

She has also stated that she has not filed any other petition before

any other Court seeking the same relief.

4.Despite service of notice and the name of the respondent having been printed in the cause list, none appears on behalf of the respondent.

5.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.

6.In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person and property of the minors (1)P.Bhavani and (2)P.Thirumani Kumar. 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.

11.11.2016

mmi

M.M.SUNDRESH, J

mmi

O.P.No.642 of 2013

11.11.2016

<http://www.judis.nic.in>