

O.P.No.530 of 2016**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)Samiksha and (2)Saatvik.

2.The petitioner is the paternal grandmother of the minor children viz., (1)Samiksha, born on 30.04.2012 and (2)Saatvik, born on 12.07.2014, having substituted herself in the place of her husband, who was incidentally the paternal grandfather of the minor children. The petitioner's son viz., the father of the minor children died at the young age of 33 years due to sudden heart attack on 19.12.2015 and the mother of the minor children also committed suicide on 03.05.2016. The maternal grandfather of the children is no more and the maternal grandmother viz., the respondent is dependent on her daughter. The petitioner's elder daughter, who lives in U.S.A. along with her husband, does not have children and she wants to adopt the minor children. The petitioner also intends to give the children in adoption to her daughter, for which, the maternal

grandmother and maternal aunt do not have any objection. For the said purpose and for approaching M/s.INFOSYS, the employer of the petitioner's deceased son for securing monetary compensation including employment dues, EPF dues and insurance policy with LIC and Exide and invest the same in the names of the minors, the petitioner has filed this Original Petition.

3.The petitioner, who examined herself as P.W.1, through her nephew Karthik, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P11;

Ex.P1 is the photocopy of the marriage certificate dated 19.04.2010 between the parents of the minor children Samiksha and Saatvik.

Ex.P2 is the computer generated copy of the birth certificate of the petitioner's granddaughter K.S.Samiksha, who was born on 30.04.2012.

Ex.P3 is the computer generated copy of the birth certificate of the petitioner's grandson K.S.Saatvik, who was born on 12.07.2014.

Ex.P4 is the computer generated copy of the death certificate of the petitioner's deceased son K.S.Suresh, who died on 19.12.2015.

Ex.P5 is the computer generated copy of the death certificate of the petitioner's daughter-in-law Suma, who died on 03.05.2016.

Ex.P6 is the photocopy of the legal heirship certificate dated 22.06.2016 in respect of the petitioner's daughter-in-law Suma.

Ex.P7 is the photocopy of the registered sale deed dated 10.10.2011 in the name of the petitioner's deceased son K.S.Suresh, which was registered as Doc. No.2021 of 2011 before the Sub Registrar's Office, Peramanallur.

Ex.P8 is the photocopy of the renewal premium receipt dated 07.12.2005 in the name of the petitioner's deceased daughter-in-law.

Ex.P9 is the computer generated copy of the EXIDE policy bearing Policy No.02023396 in the name of the petitioner's deceased daughter-in-law.

Ex.P10 is the photocopy of the fixed deposit receipt dated

28.01.2016 in the name of the petitioner's deceased daughter-in-law.

Ex.P11 is the photocopy of the savings bank account passbook bearing Account No.31734131042 in the name of the petitioner's deceased daughter-in-law.

She has also stated that she has not filed any other petition before any other Court seeking the same relief.

4.The respondent has filed consent affidavit, expressing no objection and the same is also reiterated by the learned counsel for 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)Samiksha and (2)Saatvik. 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.

21.10.2016

mmi

Note: Issue copy of the order on 26.10.2016.

M.M.SUNDRESH, J

mmi

O.P.No.530 of 2016

21.10.2016