O.P.No.38 of 2016

K.K.SASIDHARAN, J.

This is a petition filed under Sections 3, 7 to 10 of the Guardians and Wards Act, 1890, seeking appointment of the petitioner as the guardian of the person of the minors Pranav Ganesan and Lavanya Ganesan.

2. The marriage of the petitioner with the respondent was solemnized on 25 August 1999 in accordance with the Hindu rites and customs at Chennai. In the said marriage, two children were born to the parties. The minor Pranav Ganesan was born on 13 March 2004 and minor Lavanya Ganesan was born on 23 November 2007.The petitioner and the respondents were in the United States of America.

3. The respondent is presently in India. The petitioner is presently residing at San Diego, California, U.S.A. She is employed there. It is the case of the petitioner that the respondent is working elsewhere and the minors are in the care and custody of his parents. The petitioner wanted to take the minor children to U.S.A., for giving them better life and education.

4. The respondent earlier filed an original petition in O.P.No.332 of 2015, praying for an order to appoint him as the guardian of the minor children. The application was not pressed later and as such, it was

dismissed by this Court today.

5. When this application came for hearing on 20 January 2016, the respondent who appeared in person made an endorsement that after the completion of examination in March, the petitioner could be given permission to take the children to U.S.A, for education. The original petition was adjourned for hearing the learned counsel for the respondent.

6. When the Original petition was taken up for consideration today, the learned counsel for the respondent on instructions submitted that the respondent is not opposing the original petition. The learned counsel submitted that the respondent should be shown as the father of the minor children in all the educational records and he should be given visitation rights. The learned counsel further submitted that the residential address and school address of the minor children should be given to the respondent so as to enable him to visit the children.

7. The petitioner who is present in Court submitted that the minors would be admitted in Meadowbrook Middle School, 12320 Meadowbrook Land, Poway, CA 92064. She agreed to give her residential and office address to the respondent.

8. While considering the original petition filed by the respondent in O.P.No.332 of 2015, I had an occasion to interact with the minors. The minors without any hesitation stated that they are interested to stay with the mother and they want to migrate to U.S.A. for better education.

9. In view of the consent given by the respondent and taking into account the background facts, I am satisfied that the petitioner is entitled to the legal declaration as guardian, and custody of the minor children.

10. The petitioner is appointed as the guardian of the minor children by name Pranav Ganesan and Lavanya Ganesan. The petitioner is permitted to take the children to San Diego, U.S.A., and admit them in an educational institution to continue their studies. Name of the respondent should be shown as the father in all the educational and other records of the children.

11. The petitioner is directed to forward her residential, office and school address to the respondent, within two weeks from the date of enrollment of the children. The respondent should be given visitation rights on every Saturday and Sunday, in view of the submission made by him that he too proposes to migrate to U.S.A.

K.K.SASIDHARAN, J.

12. It shall be the endeavor of the petitioner to give good education to the children and maintain them.

13. The original petition is allowed as indicated above. No costs.

25.1.2016

tar

Office to note:-

Issue order copy 29.1.2016.