

O.P.No.598 of 2016**M.M.SUNDRESH,J**

This Petition has been filed under Sections 3 and 7 to 10, 12 and 29 of the Guardians and Wards Act, 1890 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 minor S.Sruthi and to permit her to receive the share of the minor in the schedule mentioned property and to deposit the same in any one of the nationalised banks.

2. In the petition, it is stated that the minor S.Sruthi was born on 29.04.2000 to the petitioner and her husband K.Srinivasan. Originally, the scheduled mentioned property was allotted to R.Ganapathiappan by Tamil Nadu Housing Board and the same was registered in his name vide Doc.No.3607/93 SRO Kodambakkam. Thereafter, several sale transactions took place in the said property. Finally, K.Srinivasan, the husband of the petitioner purchased the property from one Dr.S.Ashoka and another, and the same was registered by a sale deed dated 26.08.2015, registered as doc.No.2370/15 SRO Ashok Nagar. The husband of the petitioner died

intestate on 07.1.2016 leaving behind the petitioner and her minor daughter S.Sruthi as his legal heirs.

3. The petitioner has decided to sell the property through a sale agreement to one Bhoopathy for Rs.70,00,000/-, to meet out the educational needs and maintenance of her minor child. The minor child being one of the legal heir of the deceased Srinivasan, she is entitled to half share of her father's property. The petitioner submits that she undertakes to maintain her minor child till she attains majority and that she may be appointed as guardian. Hence, the petitioner seeks permission of this Court to appoint her as guardian and may permit her to receive the share of the minor and has filed the present petition.

3. The petitioner examined herself as P.W.1 and filed the following documents viz., Exs.P.1 to P.6:

Ex.P.1 is the computer generated birth certificate of her daughter S.Sruthi, who was born on 24.09.2000

Ex.P.2 is the computer generated death certificate of her husband K.Srinivasan, who died on 07.01.2016.

Ex.P.3 is the photocopy of the legal heirship certificate dated 02.02.2016 in respect of her deceased husband K.Srinivasan.

Ex.P.4 is the photocopy of the sale deed dated 26.08.2015 executed by Dr.S.Ahoka and others in favour of her husband K.Srinivasan.

Ex.P.5 is the photocopy of the Agreement for Sale Deed dated 29.07.2016 entered into between the petitioner and one another with Mr.V.Boopathi.

Ex.P.6 is the declaration of willingness given by the petitioner to accept the office of the guardianship of the minor S.Sruthi

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

4. Considering the documents filed and taking note of the fact that admittedly the petitioner is the mother, under whose custody the minor child is as of now, I am of the opinion that the petitioner is

entitled to the relief as sought for in the petition.

5. In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person and property of minor S.Sruthi and she is permitted to receive the share of the minor in the schedule mentioned property and to deposit the same in any one of the nationalised banks. 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.

07.10.2016

ds

M.M.SUNDRESH,J

ds

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