

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF NOVEMBER 2016

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

O.P. No.726 of 2016

In the matter of the
Guardian and wards Act 1890
And

In the matter of Minors

1. Y.Santo Salomane

2. Y.Haalvin Luis

Y. Shanthi,
W/o. Late Yagappa Anthoni raj,
No.71/35. New Street,
Mylapore,
Chennai - 600 004.

..Petitioner

Original Petition praying that this Hon'ble Court be
pleased to

i) The Petitioner Viz., Y.Shanthi the mother of the
Minors may be appointed as guardian of the person and
property of the Monors Viz., 1. Minor Y. Santo Salomane
2. Minor Y. Haalvin Luis

ii) To permit the petitioner to receive the benefits
on behalf of the Minors and deposit the same in any
nationalized bank

iii) To permit the petitioner to withdraw the Interest
for the welfate of the Minors.

Schedule

<i>S. No.</i>	<i>Description of property</i>	<i>Approximate Value</i>	<i>Person in Possession of the Property</i>	<i>Minor's Share</i>
1	EPF A/c No. TN/MAS/0051747 / 000 / 0000059	Rs.60,000/- (Rupees sixty thousand only)	Employees Provident Fund Organisation	Rs.30,000/- for each minor

This original petition coming on this day before this court for hearing the court made the following order:

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, (i) seeking appointment of the petitioner as the Guardian of the person and property of minors (1) Y.Santo Salomane and (2) Y.Haalvin Luis, (ii) to permit her to receive the benefits on behalf of the minors and deposit the same in any nationalised bank and (iii) to permit her to withdraw the interest for the welfare of the minors.

2. In the petition, it is stated that the minors (1) Y.Santo Salomane and (2) Y.Haalvin Luis, born on 02.08.2005 and 23.04.2007 respectively are the children of the petitioner. The petitioner's husband Yagappa Anthoni Raj was working as Manager, J.M.R. Apparels, Chennai and

he died on 01.01.2015. The petitioner is the house wife and after the sudden demise of her husband, she is taking care of the minor children. The deceased husband had bank accounts, insurances, provident fund etc., and the minors are entitled to a share in the monetary benefits. Stating that the aforesaid sum is very necessary for the maintenance of the minors, especially their education, the petitioner 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 P7:

Ex.P1 is the original birth certificate of the petitioner's minor son Y.Santo Salomane, who was born on 02.08.2005.

Ex.P2 is the original birth certificate of the petitioner's another minor son Y.Haalvin Luis, born on 23.04.2007.

Ex.P3 is the photocopy of the petitioner's voter identity card.

Ex.P4 is the computer generated death certificate of the petitioner's husband Yagappa Anthoni Raj, who died on 01.01.2015.

Ex.P5 is the photocopy of legal heirship certificate dated 03.03.2015 in respect of the petitioner's husband Yagappa Anthoni Raj.

Ex.P6 is the photocopy of letter dated 09.07.2015 issued by Employees Provident Fund Organisation, Chennai - 14, addressed to the employer of the petitioner's husband.

Ex.P7 is the petitioner's declaration of willingness to accept the office of guardian of the person and property of her minor children (1) Y.Santo Salomane and (2) Y.Haalvin Luis.

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

4.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.

5.In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person and property of the minors (1) Y.Santo Salomane and (2) Y.Haalvin Luis. The petitioner is permitted to receive the benefits on behalf of the minors and deposit the same in any nationalised bank. The petitioner is also permitted to withdraw the

interest for the welfare of the minors. 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.

sd/.M.M.S.J

29.11.2016

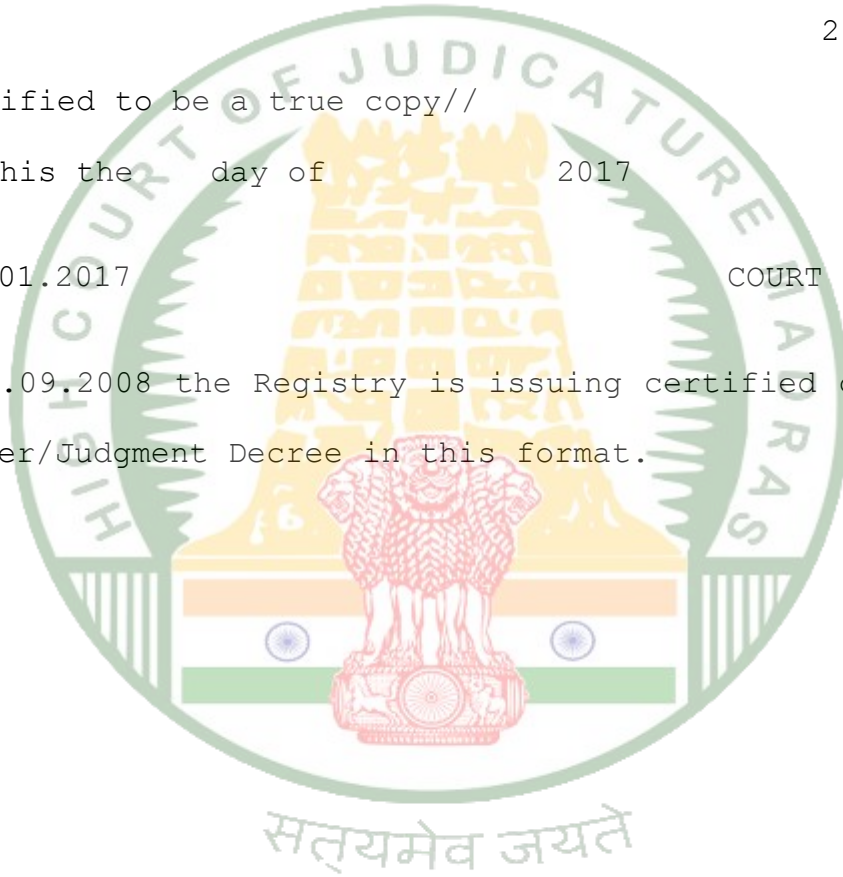
//Certified to be a true copy//

Dated this the day of 2017

R.s/25.01.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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