

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 13TH DAY OF FEBRUARY 2017

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

O.P.No.619 of 2015

In the matter of Guardians
and wards Act, 1890

And

In the matter of S.Sakthi
Priyaa, a minor

And

In the matter of S.Jai
Ganesh, a minor.

S.Sumathi
Wife of Late A.T.Subramaniyan
No.19, Co-operative Housing Society Colony
Virugambakkam
Chennai-600 092. .Petitioner

vs

1.Thangavel
Son of Adimoolam

2.Panchavarnam
Wife of Mr.Thangavelu

3.Banumathi
Wife of Mr.Maharaja

4.Sami Raja
Son of Mr.Maharaja

5.Pandiyam
Son of Mr.Maharaja

6.Rajesh
Son of Mr.Maharaja

All are residing at
Thungapuram Village & Post
Kunnam Taluk
Perambalur District-621 716

..Respondents

Original petition praying that this Hon'ble Court be pleased to appoint the Petitioner S.Sumathi as guardian of the person of minors (1)S.Sakthi Priyaa and (2)S.Jai Ganesh as she is the fit and proper person to act as guardian of the minors (1)S. Sakthi Priyaa and (2)S.Jai Ganesh.

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 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, to appoint the petitioner as the guardian of the person of Minors S.Sakthi Priyaa, aged 12 years and S.Jai Ganesh, aged 10 years.

2. Heard the learned counsel for the petitioner. Despite service of notice and the name of the respondents having been printed in the cause list, none appears for the respondents.

3. In the petition, it is stated that she married one Mr.A.T.Subramaniyan on 09.07.1997 at Sivan Koil, Aaduthurai District according to the Hindu rites and customs. It was an arranged marriage with the consent of all relatives. The deceased A.T.Subramaniyan and the petitioner lived together as husband and wife at Vadapalani, Chennai and two children by name S.Sakthi Priyaa and S.Jai Ganesh were born

during the wedlock. The petitioner states that the said A.T.Subramaniyan died on 24.08.2010 at No.19, Co-operative Housing Society Colony, Virugambakkam, Chennai - 92 and that after the demise of her husband, the petitioner and her children are living in the same address as stated above. After the demise of her husband, the petitioner married one A.Selvarasu on 21.01.2012 and she is living with him alongwith her children in the same address.

4. The 1st respondent is the father-in-law, 2nd respondent is the mother-in-law, 3rd respondent is the sister-in-law of the petitioner. The 4th, 5th & 6th respondents are the children of the 3rd respondent. The respondents who are the in-laws of the petitioner are giving trouble to the petitioner, more particularly to the petitioner's children. The children feel safelss and embarrassed due to the respondents' constant threat, misconduct, coercion and abusiveness and apprehend that they may be kidnapped by the respondents at any time and afraid to go to school freely. The petitioner states that the appointment of her as a guardian of the children is required to protect the children from the respondents aforesaid threat, misconduct, coercion, misbehaviour and force and also for the purpose of dealing with the schools, colleges and other educational institutions, banks and other financial institutions, hospitals and other government authorities like Passport office, Tahsildar

offices and before the Courts, Tribunals and other Forums. The petitioner is taking care of the minors since the death of her husband and in the interest of the minors and to avoid future complications, she has filed this petition for the relief stated supra.

5. 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 P5. Ex.P1 is the photocopy of the family card bearing No.01/G70127365. Ex.P2 is the computer generated copy of the birth certificate of daughter S.Sakthi Priya, who was born on 07.05.2003. Ex.P3 is the computer generated copy of the birth certificate of S.Jai Ganesh, who was born on 01.08.2005. Ex.P4 is the computer generated copy of the death certificate of deceased A.T.Subramaniyan, who died on 24.08.2010. Ex.P5 is the declaration of willingness. She has also stated that she has not filed any other petition before any other Court seeking the same relief.

6. Considering the relevant materials and after hearing the arguments, this Court is inclined to allow this petition.

7. In fine, this petition is ordered, by appointing the petitioner as the Guardian of the person of minors S.Sakthi Priyaa, aged 12 years and S.Jai Ganesh, aged 10 years. 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.

8. It is made clear that this order will not stand in the way of the respondent in filing an appropriate application, if so advised.

sd/.M.K.K.S.J

13.02.2017

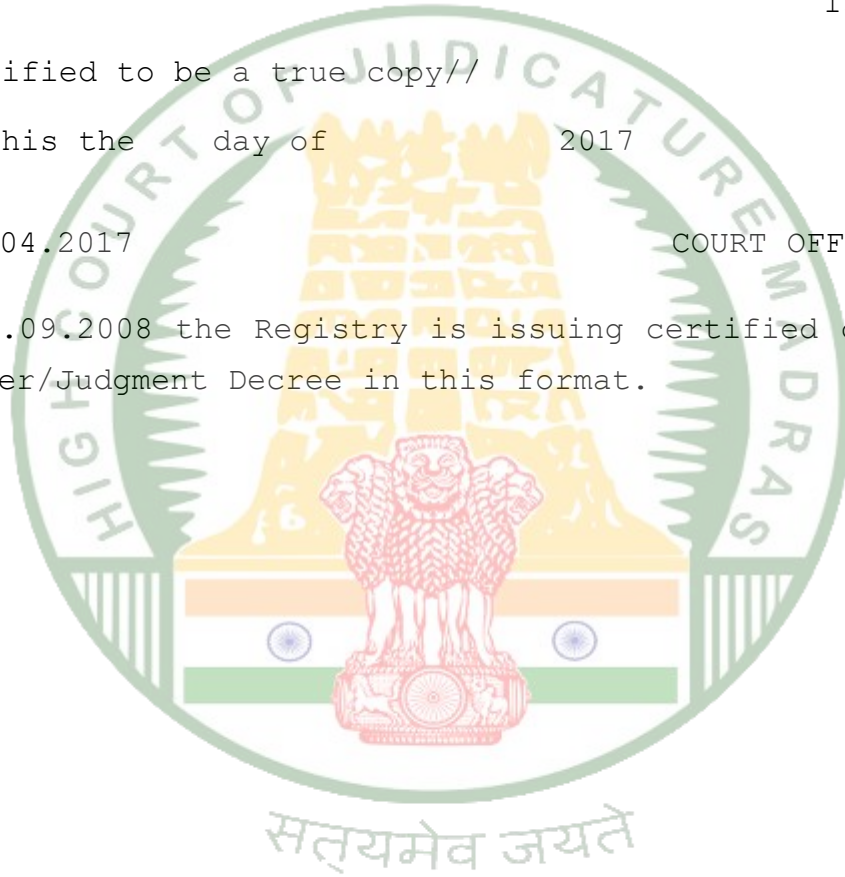
//Certified to be a true copy//

Dated this the day of 2017

R.s/18.04.2017

COURT OFFICER

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