

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 13TH DAY OF JUNE 2018

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P. No.166 of 2018

In the matter of Guardian and  
Wards Act, 1890

And

In the matter of minor Master  
E.Karthik Chand

Mrs.E.Suchitra,  
W/o.Late Eshwar Chand,  
Door No.18/11, New West  
Thandavarayan Street,  
Purasawalkam, Chennai-600 007.

... Petitioner

Original Petition praying that this Hon'ble Court  
may be pleased to pass necessary orders:-

a) to appoint the petitioner Mrs.E.Suchitra, the  
mother of the minor as the guardian for the person and  
property of the minor Karthik Chand;

b) to permit the petitioner herein to develop the  
minor share of property and sell the minor's undivided  
share of land measuring 180 sq.ft. in and over the schedule  
property to the purchase through the General Power of  
Attorney dated 27.10.2017 registered as Doc. No.5051 of  
2017, SRO, Purasawakam;

c) to permit to deposit the amount in Nationalized  
Bank.

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, 1890 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 minor Karthick Chand; (ii) to permit the petitioner to develop the minor share of the property and sell the minor's undivided share of land measuring 180 sq. ft. in and over the schedule property to the purchase through the General Power of Attorney dated 27.10.2017 registered as Doc. No.5051/2017 SRO Purasawakam; (iii) to deposit the amount in any nationalised bank.

2. In the petition, it is stated that the minor, Master E.Karthik Chand, born on 22.06.2009. The petitioner was married to Eshwar Chand and they had no issues and they both adopted the said Master Karthik Chand from the petitioner's blood sister namely Mrs.Sharmila Santhosh Kumar and adoption deed was executed on 08.09.2010 and registered as Doc. No.690/2010 and the petitioner's husband died on 11.11.2013. The petitioner is the house wife and after the sudden demise of her husband, she is taking care of the minor son. The deceased husband inherited 1/3 share in the property, bearing previous House, Ground and Premises bearing Old Door No.11, New No.18, New West Thandavarayan Street, Purasawalkam, Chennai 60 007 measuring an extent of 1620 sq. ft. comprised in R.S.No.1538/20 of Block No.25, C.C.No.104, Purasawakam Village, Purasawakam - Perambur Taluk, Chennai District, and the same was originally purchased by 1) Mr.R.Sudhakar 2) R.Eswarchand (husband of the petitioner) and 3) R.Muralidharan from Mrs.Alyamma Samual vide sale deed dated 03.06.1996 registered as Doc.No.1920/1996, SRO -

Purasawalkam each entitled to 1/3 undivided share i.e. 540 sq. ft. of undivided share in 1620 sq. ft. total property. The petitioner further submit that she is having no proper income for the family well being and finding it difficult to meet the educational and other expenses of her son and the same is very necessary for the maintenance of the minor, especially his 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 P9:

Ex.P1 is the photocopy of the birth certificate of the petitioner's minor son Karthick Chand, who was born on 22.06.2009.

Ex.P2 is the original certified copy of the Adoption Deed dated 08.09.2010.

Ex.P3 is the computer generated death certificate of the petitioner's husband R.Eswar Chand, who died on 11.11.2013.

Ex.P4 is the photocopy of legal heirship certificate dated 30.12.2013 in respect of the petitioner's husband R.Eswar Chand.

Ex.P5 is the photocopy of the Registered Sale Deed dated 03.06.1996 executed by Mrs.Aliamma Samuel in favour of R.Sudhakar and others.

Ex.P6 is the photocopy of the Agreement for Joint Venture dated 27.10.2017 entered into between Mr.R.Sudhakar and others in one part, and M/s.V.R.Builders and developers represented by its partners on the other part.

Ex.P7 is the photocopy of the Fixed Deposit Receipt dated 26.10.2017 standing in the name of the Master Karthick Chand E, issued by Alahabad Bank, Mount Road Branch.

Ex.P8 is the original certified copy of the General Power of Attorney dated 27.10.2017 executed by Mr.R.Sudhakar and others in favour of M/s.V.R.Builders and Developers represented by the partner Mr.M.S.Ramesh Kumar and Mr.V.Manicam.

Ex.P9 is the petitioner's declaration of willingness to accept the office of guardian of the person and property of her minor son E.Karthik Chand.

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 minor E.Karthik Chand. (i)seeking appointment of the petitioner as the Guardian of the person and property of minor Karthick Chand; the petitioner is permitted to develop the minor share of the property and sell the minor's undivided share of land measuring 180 sq. ft. in and over the schedule property to the purchase through the General Power of Attorney dated 27.10.2017 registered as Doc. No.5051/2017 SRO Purasawakam and to deposit the amount in any nationalised bank till the minor attaining majority. 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./-N.S.K.J  
13/06/2018

//Certified to be true copy//  
Dated at Madras this the        day of        2018.  
COURT OFFICER(O.S.)

JJ 16/07/2018

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