



O.P.No.368 of 2023

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N.SATHISH KUMAR, J.

This Original Petition is filed under sections 3, 7 to 10 and 25 of the Guardian and Wards Act read with Order XXI Rule 2 and 3 of O.S. Rules read with Clause 17 of the Letters seeking appointment of the petitioner as the Guardian of the person of minor Adhiya S.

2. The petitioner is the mother of the minor Adhiya S. The respondent is the husband of the petitioner. It is the case of the petitioner that the marriage of the petitioner and her husband was solemnized on 08.09.2013. During the wedlock, a female child was born to the them on 19.11.2015. Ever since their marriage, the petitioner was subjected to mental and physical abuse. Thereafter, the respondent has also stopped to support financially the petitioner as well as the minor child. The respondent has completely distanced himself from the petitioner and the minor child and used to pick up quarrels and subjected the petitioner to physical violence. When the matter stood thus, as there is no financial support from the respondent, the petitioner joined Aricent Technologies at Coimbatore to



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bring up the child. However, the respondent has abandoned the child from the year 2019. Despite several steps taken by the petitioner, the whereabouts of the respondent was not known to the petitioner and he has also filed a petition for dissolution of marriage in H.M.O.P.No.56 of 2020 before the Additional Principal Family Judge, Chennai. Hence, the petitioner seeks herself to be appointed as guardian of the minor.

3. Despite service of notice to the respondent, none appeared for the respondent. Hence, the respondent was set exparte.

4. The petitioner was examined as P.W.1 and Ex.P.1 to P.5 were marked. P.W.1 in her proof affidavit, she has reiterated the facts narrated in the Original Petition. She has stated that as the respondent has abandoned the petitioner and the minor child, she has to take care of the minor child. Ex.P.1 is the rental agreement dated 26.02.2022 entered between the petitioner and the landlord. Ex.P.2 is the Fees receipt. Ex.P.2 has been filed to show that the petitioner has paid the school fees to the minor Adhiya S. Ex.P.3 is the birth certificate of S.Adhiya. Ex.P.3 has been filed to prove that the minor Adhiya S has been born to the petitioner and the respondent



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on 19.11.2015. Ex.P.4 is the counter filed by the petitioner in the proceedings before the Family Court, Coimbatore. Ex.P.5 is the copy of the petition filed by the respondent in HMOP.No.1264 of 2022, before the Family Court, Coimbatore. When the father/respondent has abandoned the child and not maintained the child and supported for the welfare of the child, the petitioner has to be appointed as the guardian of the minor Adhiya S.

5. In view of the above, this petition is ordered, appointing the petitioner as the Guardian of the person of the minor female child, Ms.Adhiya S. 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.

13.12.2023

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Date : 13.12.2023