

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 573 of 2018

1. M. Suganthi
2. B. Murugan

... Petitioners

Vs

Ravi

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District and Sessions Court, Salem to entertain the unnumbered G.O.P of 2018 filed by the petitioner and number the same and allow the C.R.P.

For Petitioners : Mr.R. Nalliyappan

सत्यमेव जयते

ORDER

The revision petition is filed seeking to direct the District and Sessions Court, Salem to entertain the unnumbered G.O.P of 2018 filed by the petitioners.

2. The learned counsel for the petitioners would submit that the marriage of the 1st petitioner and the respondent was dissolved on 22.11.2001. As per the release deed executed between themselves, their minor daughter Harini was taken care by the 1st petitioner. Subsequently, the respondent married some other lady and the 1st petitioner married the 2nd petitioner. The petitioners have a minor son. Whiles, the 1st petitioner being the biological mother of minor Harini and the 2nd petitioner the step father, filed the petition to appoint them as the guardian of Minor Harini. The court below has returned the petition filed by the petitioners, on 18.01.2018 stating that the natural guardian of the child i.e. her biological father should be shown as a respondent. The petitioners impleaded the respondent and re-presented the petition. Again on 31.01.2018, the aforesaid petition was returned holding that the 1st petitioner is the natural guardian in the absence of the respondent and so how she can be declared as a guardian. The learned counsel for the petitioners relied upon the decisions of this Court in the case of *Premchand Goel vs. Sanjay Dalmia reported in 2002 (2) CTC 725* and the case of *R.G. Bhuwanesh vs. G. Usha Rani reported in 2004 (5) CTC 179* and submitted that the return made by the court

below is liable to be set aside.

3. Considering the above submission, liberty is granted to the petitioners to re-present the aforesaid O.P., explaining the decision of this Court before the Court below, within a period of two weeks from the date of receipt of a copy of this order. If satisfied, the court below is directed to consider the explanation submitted by the petitioner and number the petition. If not satisfied, the court below shall return the petition, by stating the reasons for the return.

4. The Civil Revision Petition is disposed of, with the above direction. No order as to costs.

19.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

[Registry is directed to return the original petition to the petitioner after obtaining a copy of the same]

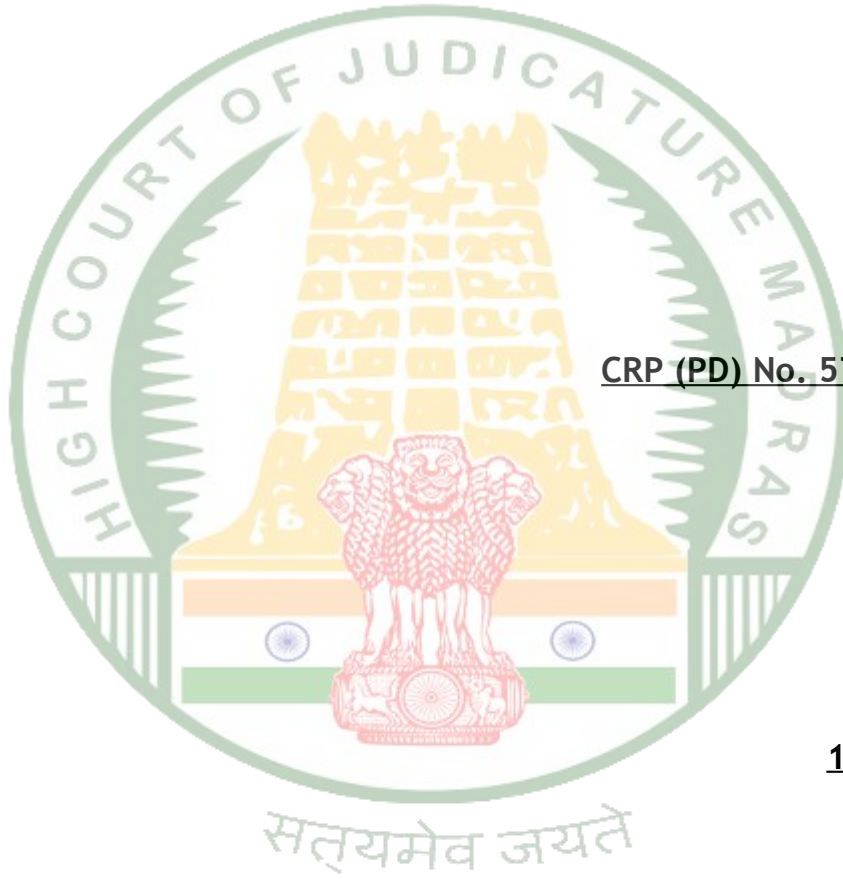
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To

The District and Sessions Court,
Salem

D. KRISHNAKUMAR J.,

avr



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