

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD
CIVIL MISCELLANEOUS APPEAL No.65 of 2018

Date: 14.03.2018

Between:

Gaddam Suvarna,
Saroornagar, Ranga Reddy District.

.. Appellant

and

Tekula Ramya @ T. Shirisha,
Saroornagar, Ranga Reddy

.. Respondent

Counsel for the appellant: Mr. Rajagopallavan Tayi

Counsel for the respondent: Mr. V. Venkata Mayur

The Court made the following:



JUDGMENT: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Civil Miscellaneous Appeal arises out of judgment, dated 22.12.2017, in G.W.O.P.No.636 of 2017, whereby the learned Principal District Judge, Nalgonda, dismissed the said O.P.

The appellant is the paternal grandmother of minor child, by name, Tekula Varsha Reddy. The said minor child is the daughter of respondent No.1. The appellant has pleaded that after the death of the father of the minor child, she is looking after the welfare of the minor child and that respondent No.1 has remarried. She has therefore filed the aforementioned O.P. for appointment as guardian to the minor child in her best interest.

Respondent No.1 filed a No Objection Certificate wherein she has stated that she is the owner of Ac.6.06 guntas of land in Survey Nos.266/A and 306/U of Varkatpally Village, Voligonda Mandal, Yadadri Bhongir District; that out of natural love and affection towards her daughter, she has executed the registered gift deed, dated 10.05.2005, in favour of the latter and that the appellant has been looking after the minor child as guardian and therefore, she has no objection for appointment of the appellant as guardian of the minor child. The Court below, however, dismissed the O.P. on the ground that respondent No.1 being the mother of the minor child is the natural guardian and that during her life time it is not permissible to appoint the appellant as the guardian.

At the hearing, respondent No.1 is personally present and submitted that as she has remarried, the welfare of her daughter can be looked after better by her mother-in-law, the appellant.

When the natural parents desire another member of the family to be appointed as the guardian of the minor child, law does not prohibit such appointment. In our opinion, the Court below has committed a serious error in dismissing the O.P. filed by the appellant in spite of conveyance of No Objection by respondent No.1.

In the facts and circumstances of the case, we are convinced that appointment of the appellant as the guardian would be in the best interest of the minor.

Accordingly, order under appeal is set aside. G.W.O.P.No.636 of 2017 stands decreed and the Civil Miscellaneous Appeal is accordingly allowed.

(C.V.NAGARJUNA REDDY, J)

Date: 13.03.2018

(G. SHYAM PRASAD, J)

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