

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 26H DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P.No.423 of 2019

In the matter of Guardians
and Wards Act, 1890

and
In the matter of Minor
A.LAKSHANYA born on
23.01.2010.

1. M.Jayaraj
S/o.Mr.C.Mohanrajan

2. J.Nithya Kalyani
W/o.Mr.Jayaraj

Both are residing at
New No.3, Old No.2,
Pillaiyar Koil Street,
T.Nagar, Chennai 600 017. ...Petitioners.

-Vs.-

1. B.Sanmugam
S/o.Late V.Balu

2. S.Babyammal
W/o.Mr.B.Sanmugam

Both are residing at
No.1/22, Perumal Koil 1st Street,
Sivabootham, Vanagaram,
Chennai 600 095. ... Respondents.

Original Petition praying that this Hon'ble Court be
pleased to pass an order that M.Jayaraj and J.Nithya
Kalyani, the petitioners herein or some other fit and
proper person may be appointed as the legal guardian of the
person of the minor A.Lakshanya.

The petitioners seek to appoint themselves as the guardians of the minor child, A.Lakshanya. The parents of the minor child died on 03.08.2014 and 21.03.2016.

2. The second petitioner is the cousin sister of the mother of the minor child, Late A. Sathya Bama (Mother's Sister's daughter). The first petitioner is the husband of the second petitioner, the respondents are the maternal grand parents of the child. It is stated that the paternal grand parents of the child are also dead. The petitioners do not have any biological or adopted children. The respondents also do not have any objection for appointing the petitioners as the guardian of the minor child. The second petitioner has examined herself as P.W.1. She has produced the birth certificate of the minor child as Ex.P1, the death certificates of the parents of the minor child have been marked as Exs.P3 and P5. Ex. P4 is the legal heirship certificate of the father of the minor child Mr.Arumugam. The respondents have also given a joint declaration of their willingness to accept the guardianship of the minor A.Lakshanya. The first respondent, the maternal grand father has been examined as R.W.1. He is 84 years old. He has deposed that he has no objection for the second petitioner being appointed as the guardian of the minor.

3. Considering the evidence on record, I find that the interest of the minor will be sub-served by appointing the second petitioner as the guardian of the person of the minor child, A.Lakshanya. Accordingly, this original petition is allowed.

Sd/-R.S.M.J
26/07/2019

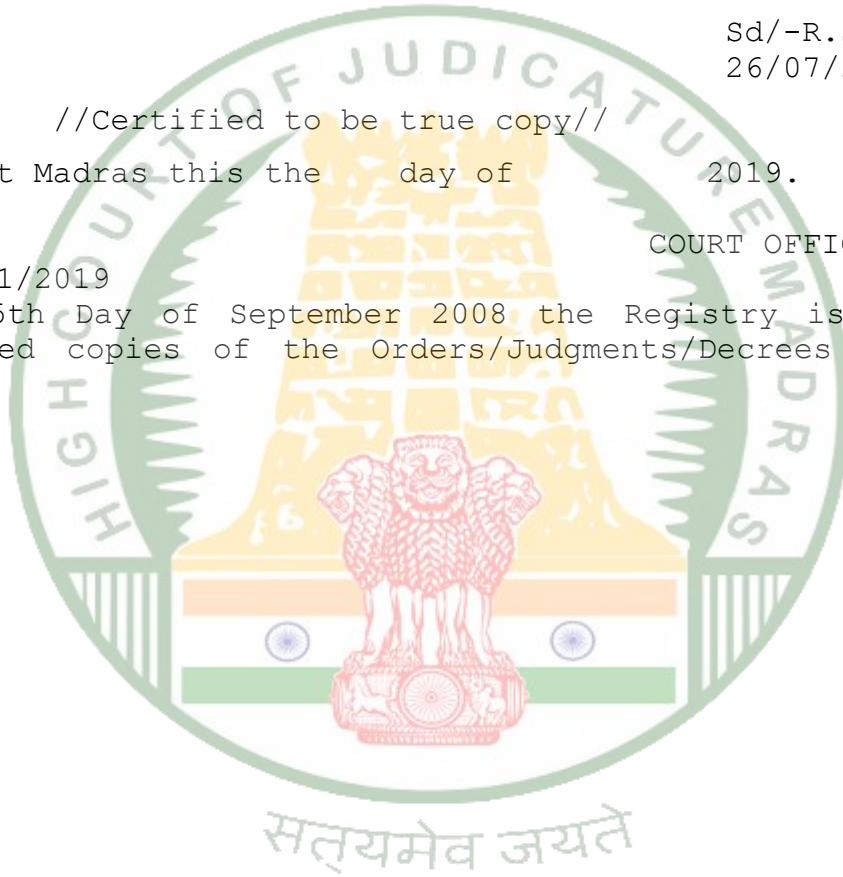
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Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

jj 05/11/2019

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