

O.P.No.557 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Sections 3, 7, 8, 9, 10 & 29 of the Guardians and Wards Act, 1890 and under Order XXI Rules 1 & 2 of the Original Side Rules praying i) to declare and appoint the petitioner, Mr.Alphonso Harry Jesudos, the paternal grandparent, as the legal guardian of the person and property of the minor grandson, Master Prince Mathew [22.11.2007], aged about 11 years, ii) permit the petitioner to receive the terminal benefits and minor's pension of the deceased Charles Premkumar on behalf of the minor grandson Master Prince Mathew and iii) permit the petitioner to deposit the same in the joint account o the minor and the petitioner in Union Bank of India, Moolakadai Branch, Chennai-600110, Savings Bank Account No.332902010711751.

2.It is the case of the petitioner that he is the paternal grand parent of the minor Master Prince Mathew, aged about 11 years. The father and mother of the minor met with a fire accident and died on 26.11.2018 and 30.11.2008, respectively. The respondent is the wife of the petitioner herein. The maternal grandparents of the minor Master Prince Mathew are not willing to

take the child with them. The deceased father of the minor, namely, Charles Premkumar, worked in V Serve Service Provider for ICICI Bank and he left movable properties at the time of his death, which are morefully described in the Schedule of properties. The respondent, who is the wife of the petitioner, has no objection in appointing the petitioner as the guardian of her grandson Master Prince Mathew and she has also filed a consent affidavit in that regard.

3. It is stated that there are no other kith and kin for the minor who can hold capacity as legal guardians. The petitioner has adequate income, and he is of good character and reputation and he is the fit and proper person to be appointed as guardian of the person and the property of the minor child. No guardian of the person or property or both of the minor has been appointed by any person entitled or claiming to be entitled and no application has been made before this Court or any other Court with respect to the guardianship of the minor.

4. The first petitioner examined himself as P.W.1 and deposed evidence and filed the following documents viz., Exs.P1 to P8;

- a) Ex.P1 is the computer generated death certificate of my son Charles Premkumar, who died on 30.11.2008.
- b) Ex.P2 is the computer generated death Certificate of my

daughter-in-law Priya, who died on 26.11.2008.

- c) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 29.07.2011 in respect of my son Charles Prekumar (Marked after comparing and verifying with the original).
- d) Ex.P4 is the photocopy of the voter identity card along with employee ID card of my son (Employee ID card alone marked after comparing and verifying with the original)
- e) Ex.P5 is the photocopy of bank passbook of me and my grandson C.Prince Mathew in Union Bank of India, Moolakadai branch bearing account No.332902010711751 (Marked after comparing and verifying with the original).
- f) Ex.P6 is the computer generated birth certificate of my grandson C.Prince Mathew, who was born on 22.11.2007.
- g) Ex.P7 is the consent affidavit given by the respondent herein stating that she has no objection in appointing me as the guardian of her grand minor son C.Prince Mathew and to receive the terminal benefits and pension in respect of her deceased son.
- h) Ex.P8 is my Declaration of Willingness to accept the office of guardian of the person and property in respect of minor grandson C.Prince Mathew.

He has also stated that he has not filed any other petition before any other Court seeking the same relief.

5.Considering the relevant materials and after hearing the arguments, this Court is inclined to allow this petition. In fine, this petition is ordered as prayed for, by appointing the petitioner as the Guardian of the person and property of minor Master Prince Mathew. The petitioner is permitted to receive the terminal benefits and minor's pension of the deceased Charles Premkumar on behalf of the minor grandson Master Prince Mathew and deposit the same in the joint account of the minor and the petitioner in Union Bank of India, Moolakadai Branch, Chennai-600110, Savings Bank Account No.332902010711751. 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.

22.10.2019

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