

Original Petition No.668 of 2019

SENTHILKUMAR RAMAMOORTHY,J.

This Petition is filed under Sections 3, 7, 8, 9 and 10 of the Guardian and Wards Act VIII of 1980 r/w Order XXI Rules 2 and 3 of the O.S. Rules.

2. I heard the learned counsel for the Petitioner. In spite of service of notice and the name of the Respondent being printed in the cause list, there is no appearance for the Respondent who was set-ex-parte on 22.11.2019.

3. The learned counsel for the Petitioner submits that the present petition is filed by the biological mother of the minor K.Likithaa, who was previously known as V.Laksha and was born on 24.10.2010. He further submits that the ordinary residence of the Petitioner and the minor child is at No.2/7, Dharan Singh Colony, 2nd Street, Vadapalani, Chennai – 600 026, which is within the jurisdiction of this Court. The learned counsel further submits that the Petitioner's husband was a drunkard and that he used to beat and physically assault the Petitioner. Consequently, the Petitioner was constrained to file a Divorce Petition in O.P.No.2961 of 2015 on the file of the II

Additional Judge, Family Court, Chennai. By judgment and decree dated 21.03.2017, the marriage between the Petitioner and the Respondent was dissolved and till date the Respondent did not even visit the minor child. He further submitted that evidence was recorded in support of this Petition and that the Petitioner adduced evidence as P.W.1 and exhibited the following documents:

(i) Ex.P1 is the computer generated birth certificate of her daughter, V.Laksha, who was born on 24.10.2010.

(ii) Ex.P2 is the photocopy of the Tamil Nadu Government Gazette dated 15.10.2019 through which her daughter's name V.Laksha was changed as K.Likithaa.

(iii) Ex.P3 is the photocopy of the Order dated 21.03.2017 passed in O.P.No.2961 of 2015 by the Family Court, Chennai.

(iv) Ex.P4 is the photocopy of the certificate of registration of marriage dated 13.12.2018.

(v) Ex.P5 is the photocopy of the school fee payment receipt dated 07.06.2019 in respect of her daughter Likithaa.

(vi) Ex.P6 is the photocopy of her Aadhaar Card bearing No.5270 9889 0083.

(vii) Ex.P7 is the photocopy of the Aadhaar card of her daughter Likithaa bearing No.4711 6545 7749.

(viii) Ex.P8 is the affidavit sworn by her expressing her willingness to accept the office of the guardian of the person of her minor daughter Likithaa.

4. In addition, the maternal uncle of the Petitioner was examined as P.W.2 and he deposed that the Petitioner is educated and is taking good care of her daughter Likithaa.

5. Based on the foregoing, the learned counsel submitted that the Petitioner is entitled to be appointed as the lawful guardian of the person of the minor daughter K.Likithaa.

6. I considered the submissions of the learned counsel for the Petitioner and also examined the evidence in this case. From the evidence recorded in this case, the following is clear:

(i) The minor daughter was born on 24.10.2010 and the birth certificate records the name of the Petitioner as the mother.

(ii) The marriage between the Petitioner and the Respondent was dissolved through the Order dated 21.03.2017 in O.P.No.2961 of 2015, as evidenced by Ex.P3.

(iii) It is clear that the Petitioner and the minor daughter are residing at No.2/7, Dharan Singh Colony, 2nd Street, Vadapalani, Chennai – 600 026 within the jurisdiction of this Court as per Exs.P6 and P7.

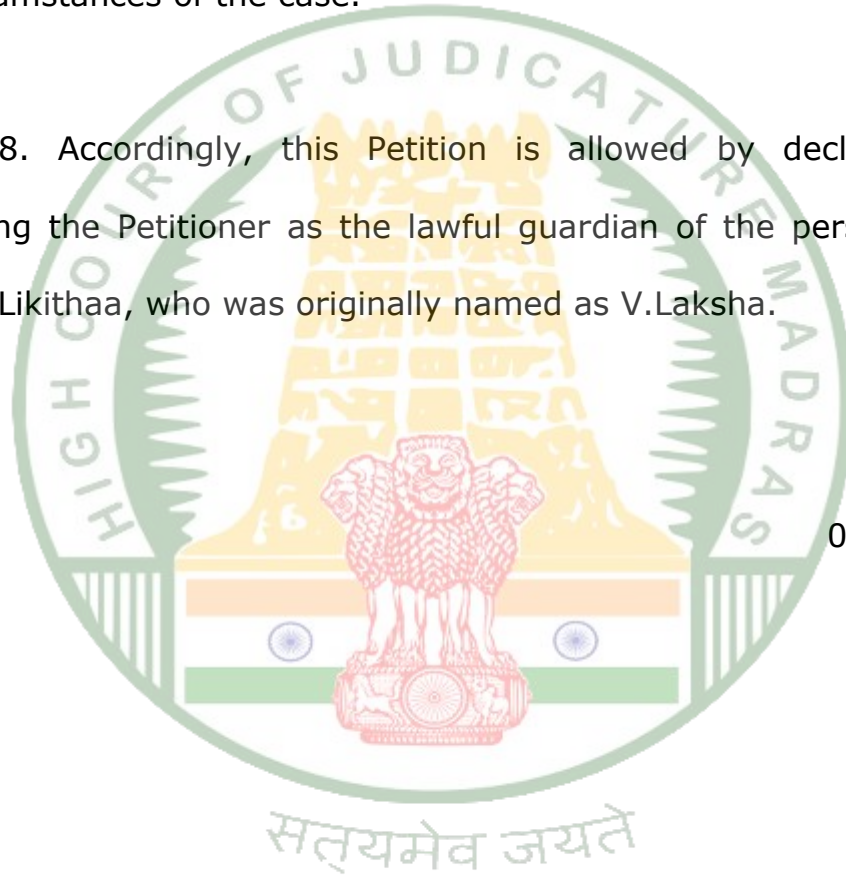
(iv) Ex.P5 discloses that the daughter of the Petitioner is studying in Crescent Matriculation Higher Secondary School, Nungambakkam, Chennai – 600 006.

7. I am also satisfied that the Petitioner/mother is in the best position to ensure the welfare of her minor daughter and is also qualified to be recognised as the natural guardian under Sections 6 and 8 of the Hindu Minority and Guardianship Act, 1956, in the facts and circumstances of the case.

8. Accordingly, this Petition is allowed by declaring and appointing the Petitioner as the lawful guardian of the person of the Minor K.Likithaa, who was originally named as V.Laksha.

06.12.2019

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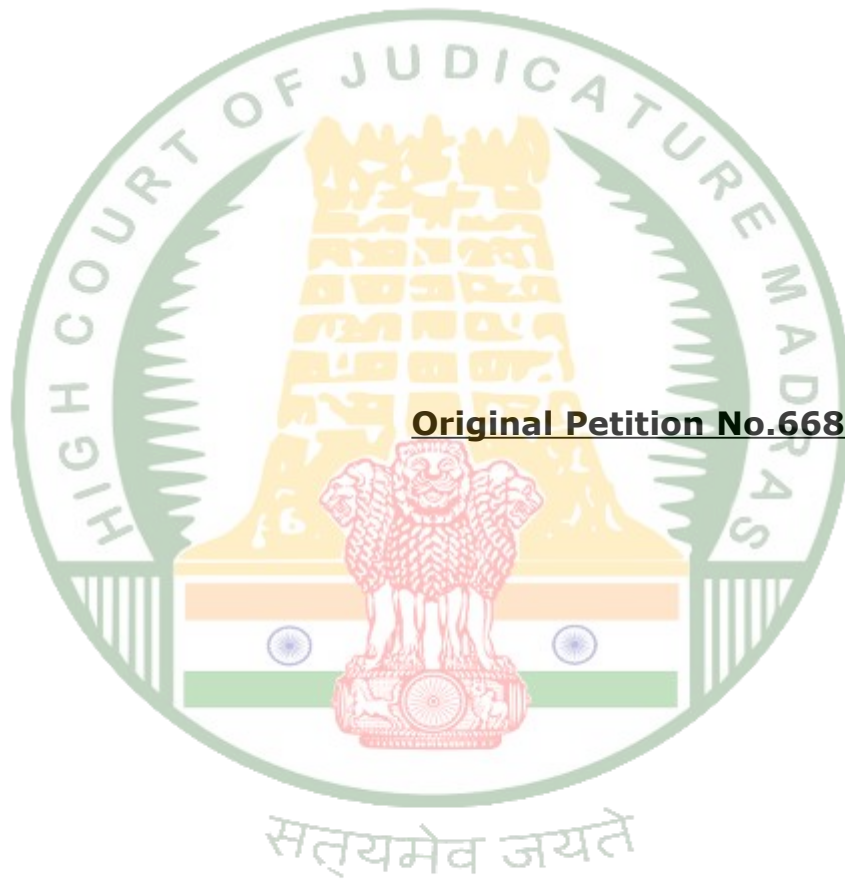


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Original Petition No.668 of 2018

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