

O.P.No.724 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Sections 3, 7 to 10 & 29 of the Guardians and Wards Act, 1890 read with Order XXI Rules 2 & 3 of the Original Side Rules praying i) to appoint the petitioner as guardian of the person and property of the Minor Vinay, ii) permit the petitioner to rent out the premises and deposit the rent in the name of the minor, and iii) permit the petitioner to repair and maintain the properties belonging to the minor.

2. It is the case of the petitioner that she is the maternal grandmother of the minor Vinay Mukundh, Hindu, aged about 11 years. The minor child was born out of the marriage between the petitioner's daughter and the respondent herein. Due to difference of opinion the petitioner's daughter and the respondent filed a divorce petition in O.P.No.4620 of 2014 and the same was allowed on 12.08.2014, on the file of the I Additional Family Court, Chennai. The mother of the minor died on 22.10.2018. The deceased mother of the minor left movable and immovable properties at the time of her death, which are morefully described in the Schedule of properties and same are presently in the custody and care of the petitioner. The maternal grandparents, maternal uncle and maternal aunt are the only relation to the minor. The

natural guardian, the respondent herein had not taken care of the minor. There is no one on the paternal side to take care of the custody of the minor and to administer the properties of the minor and hand over the same after he attains majority.

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 she is of good character and reputation and she is the fit and proper person to be appointed as guardian of the person and the properties 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 petitioner examined herself as P.W.1 and marked the following documents viz., Exs.P1 to P14;

- a) Ex.P1 is the photocopy of the Marriage certificate for the marriage took place between her daughter Akila and R.Balaji, the respondent herein, on 27.03.2005.
- b) Ex.P2 is the photocopy of the order of divorce dated 12.08.2014 passed in O.P.No.4620 of 2012 by Family Court, Chennai along with a copy of the petition in H.M.O.P.No.4620 of 2012.

- c) Ex.P3 is the computer generated birth certificate of her grandson Vinay Mukundh, who was born on 09.10.2007.
- d) Ex.P4 is the computer generated death certificate of her daughter G.Akila, who died on 22.10.2018.
- e) Ex.P5 is the photocopy of the Tamil Nadu Government Gazette dated 23.03.2011.
- f) Ex.P6 is the photocopy of her Aadhaar card bearing No.2535 1609 0977.
- g) Ex.P7 is the photocopy of Aadhaar card of her grandson Vinay bearing No.3683 7289 5069.
- h) Ex.P8 is the photocopy of the Sale Deed dated 12.07.1995 executed in favour of her daughter G.Akila.
- i) Ex.P9 is the photocopy of the Sale Deed dated 27.01.1999 executed in favour of her daughter G.Akila.
- j) Ex.P10 is the photocopy of the Sale Deed dated 09.03.2000 executed in favour of her daughter G.Akila.
- k) Ex.P11 is the photocopy of the Sale Deed dated 30.03.2007 executed in favour of her husband P.Ganesan.
- l) Ex.P12 is the photocopy of the passport of her daughter Akila bearing No.P6926412.
- m) Ex.P13 is her declaration of willingness to accept the office of guardian of the person and property of her minor grandson Vinay.
- n) Ex.P14 is a copy of paper publication effected in one issue of Tamil daily "Maalai Malar" dated 08.11.2019.

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

5. Despite service of notice, the respondent failed to appear, hence he was set exparte.

6. 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 Vinay Mukundh. The petitioner is permitted to receive the amount entitled to the minor and deposit the amount in the name of the minor in any one of the Nationalised Bank and to receive the interest from the deposit and spend it for the well being of the minor. 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.

27.11.2019

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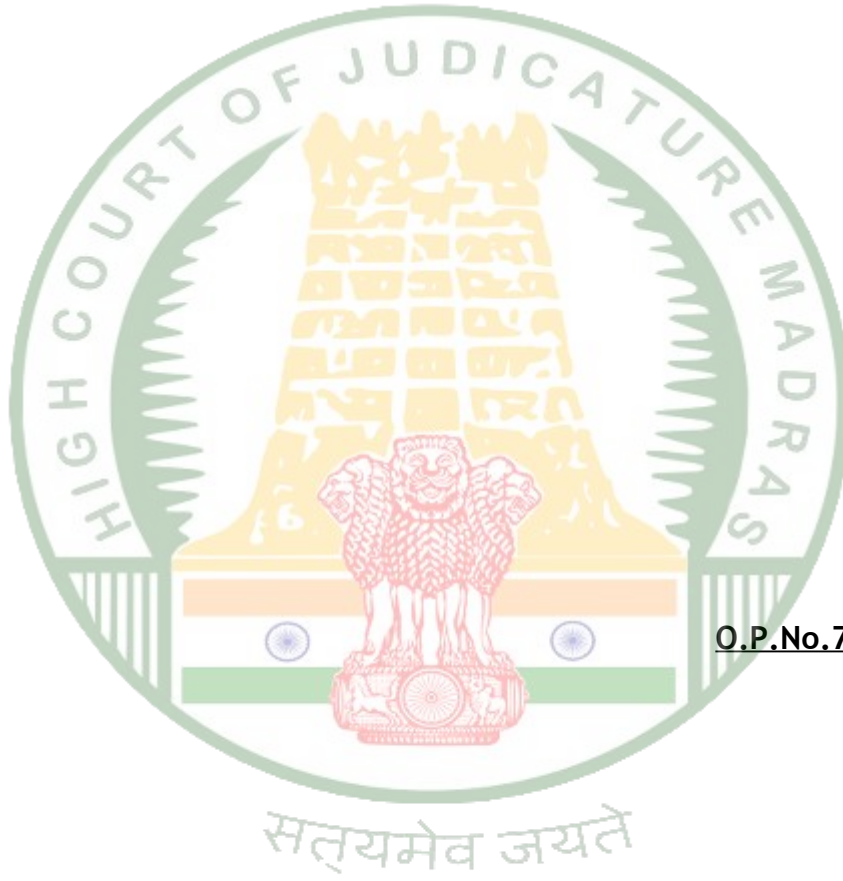
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