



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) (PD) .No.102 of 2019

WEB COPY

Jeyabalan Murugesan Sankarasubramanian

Represented by his Power of Attorney

V.S.Lakshmi Kantham

: Petitioner/Petitioner

Vs.

1.S.Murugesan

2.T.Gandhimathi

: Respondents/Respondents

PRAYER : This Civil Revision Petition has filed under Article 227 of the Constitution of India directing the learned District Judge, Trichirappalli to number the unnumbered GWOP on the file of the District Court, Trichirappalli.

For Petitioner : Mr.S.Ponsenthilkumaran

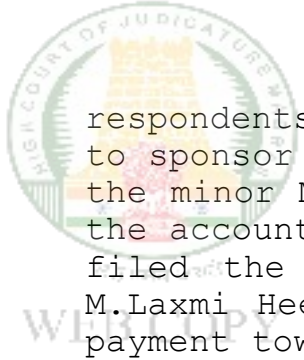
For Respondents : No appearance

O R D E R

This Civil Revision petition has been preferred to direct the learned District Judge, Trichirappalli to number the unnumbered GWOP on the file of the District Court, Trichirappalli.

2.The learned counsel for the petitioner contended that the District Court, Trichirappalli is not inclined to number the application and fail to appreciate the question of maintainability by considering the order of the **High Court of Kerala at Ernakulam in Mat.Appeal No.713 of 2009 (N.K.Hidar and another Vs. Abdul Rasheed and another)**.

3.The nu-numbered G.W.O.P. was filed by the petitioner by claiming himself that he is a non resident Indian living in United States of America and he has also given power of attorney to his mother viz., V.S.Lakshmi Kantham to conduct the case since it is not possible for him to travel from North Royalton, USA and come to Trichy. The purpose of filing the petition has been stated as the respondents are husband and wife and they are the parents of minor M.Laksmi Heera who born on 02.04.2001. Now she is studying Aakash Educational Services Private Limited and the petitioner further stated that he is well settled in life and he has got financial background and the respondents family helped the petitioner in services during his studies in India and the petitioner has got very much affection towards the respondents and their minor daughter M.Laxmi Heera. Considering the support and services rendered by the



respondents to the petitioner in all aspects, the petitioner wants to sponsor to meet out the entire expenses relating the education of the minor M.Lakmi Heera, for which the petitioner is also producing the account statements as necessary documents. Hence, the petitioner filed the petition to declare himself as guardian of the minor M.Laxmi Heera for the specific purpose of higher studies by making payment towards her fees.

4.The learned Principal District Judge, Trichirappalli after analysing the documents and records, returned the petition for want of certain details, in which, one of the return is that " *necessary proof of documents for the averments stated in para Nos.5 and 8 to be filed along with the petition*" . Regarding Para No.8, which shows that " *for pursuing higher studies and also to provide financial support to the minor M.Laxmi Heera's studies under NRI quota, a declaration from the competent Court is required for maintaining accounts and sanction from the Court of law is necessitated to act as a guardian for the minor M.Laxmi Heera*"

5.Further, the Court required the petitioner to furnish the details by stating that since the petitioner seeking permission for the minor for higher studies under NRI quota, the necessary parties to the proceedings such as State to be impleaded for which, the petitioner re-presented the same by stating that the Government need not be a party only an award from the Court is necessary to be produced to the Court.

6.The particulars required by the Court was not properly complied by the petitioner, since he seeks to declare himself as guardian for the purpose of providing funds to the minor and also to meet out the educational expenses, for which the concerned State has to be made as a party, whereas the petitioner has not done the same. When certain particulars are required by the Court by way of return, it is for the petitioner to furnish the said particulars and comply with the same. Hence, there is no infirmity or irregularity in the order passed by the trial Court. Since the purpose for which the petitioner seeks remedy, the return made by the Concerned Court has to be complied by the petitioner for granting proper relief.

7.In the result, this Civil Revision Petition is dismissed. No costs. The registry is directed to return the original G.W.O.P. to the learned counsel for the petitioner.

Sd/-

Assistant Registrar (Crl.Sidd)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Judge
Trichirappalli

2.The Section Officer,
VR Section,

Madurai Bench of Madras High Court, Madurai.(2 copies)

+1cc to Mr.S.Ponsenthilkumaran, Advocate, SR.No.60014

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SP/26.04.2019/3P/5C

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