

O.P.No.409 of 2020

N.SATHISH KUMAR, J.

This Petition has been filed under Sections 3, 7, 8, 9 and 10 of the Guardian and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the first petitioner as the Guardian of the person of minor Johan.

2. The case of the petitioners is that the second petitioner is the mother of the minor D.Johan. It is stated that the minor Johan was born to second petitioner through late G.Dayalan. The minor was born on 23.06.2006. Apart from the minor, two other children also born to the second petitioner and late Dayalan and they attained majority. After the death of Dayalan, the second petitioner was married to the first petitioner and living along with the children born to the first husband.

3. It is the contention of the learned counsel for the petitioners that the first petitioner is seeking guardianship for the minor child in order to represent before the school authorities and others.

4. On the side of the petitioners, P.W.2 was examined and the first petitioner has been examined as P.W.1 and Ex.P1 to Ex.P7 were marked.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the minor Johan was born to second petitioner through late G.Dayalan. Ex.P.1 is a copy of birth certificate of the minor D.Johan. Ex.P.2 is the death certificate of G.Dayalan, who died on 21.10.2015. Ex.P.3 is filed to prove the marriage between the first and second petitioner on 22.08.2016. Ex.P.5 and E.P.6 is the photocopy of the Aadhaar card of the minor Johan and the first petitioner.

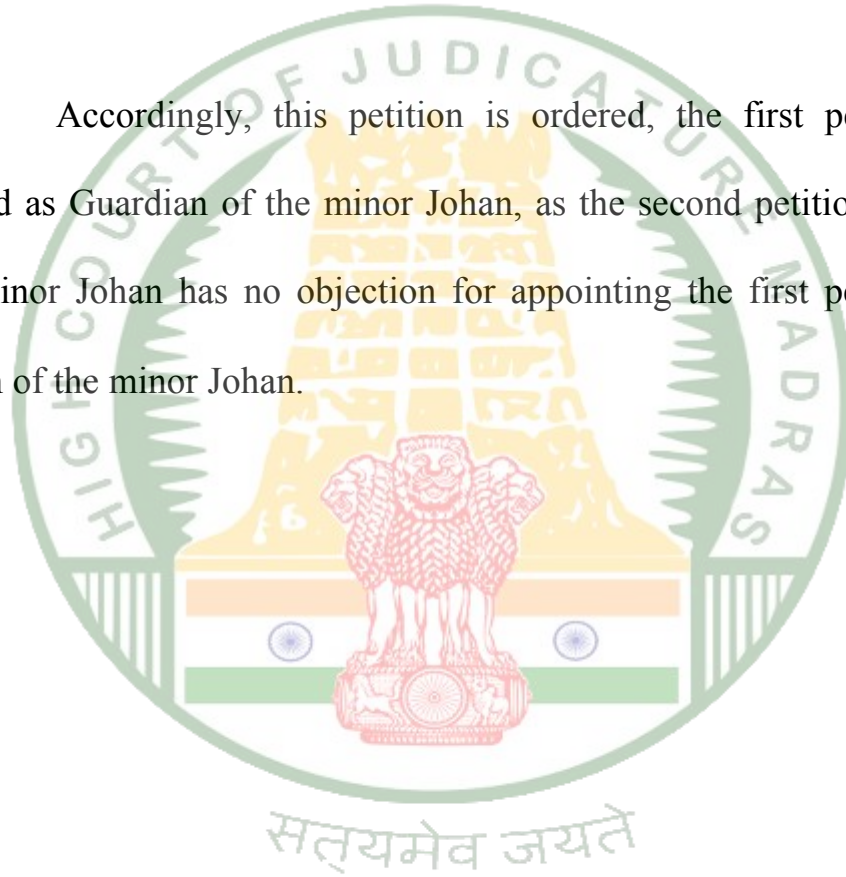
6. It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of his education and others, the first petitioner Kirupanandam, the person proposed as guardian, is the step father of the minor by way of marrying the second petitioner had accepted the minor as his own son and willing to act as his guardian till the minor attains his majority.

7. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the first petitioner is entitled for the reliefs as sought for in the petition.

8. Accordingly, this petition is ordered, the first petitioner is appointed as Guardian of the minor Johan, as the second petitioner/mother of the minor Johan has no objection for appointing the first petitioner as Guardian of the minor Johan.

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16.12.2020

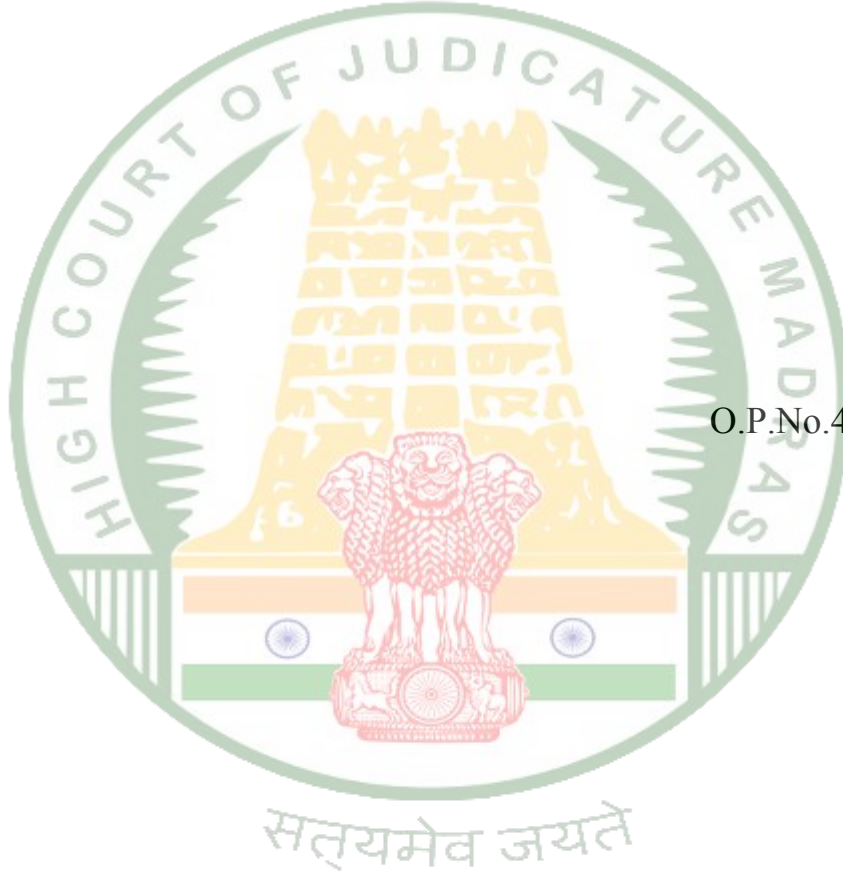


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