

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

G.W.O.P.No.728 of 2016

S. Sudha

...Petitioner

T. Sivanesan

... Respondent

Vs

PRAYER: Petition is filed under Sections 3,7 and 10 of the Guardian and Wards Act, 1890 read with Order XXI Rules 2 and 3 of O.S. Rules praying to appoint/declare the petitioner as the Guardian of the person of the minor S. Sanjay.

For Petitioner : Mr. K. Santhakumari
For Respondents : Dr. S. Padma

ORDER

The above OP is filed by the mother to appoint and declare herself as the guardian of the person of the minor S. Sanjay, son born to her and the respondent herein. In the petition, the petitioner would submit that she had married the respondent on 06.07.2003 and from this wedlock, the minor S. Sanjay was born on 08.03.2005. Initially the matrimonial life was going on smoothly but later on fissures appeared in the relationship on account of the interference of the parents in law. The respondent was also addicted to alcohol and was in illicit intimacy with another woman. The petitioner would also state that the respondent was involved in a lot of illegal activities which constrained her to leave her matrimonial home on 14.06.2006. She had taken the minor son with her. She had filed a petition for divorce on the file of the 1 Additional Family Court, Chennai in OP.No.2659 of 2008. An ex parte decree was also granted on 18.08.2009 which is not been set aside to date.

2. The petitioner would submit that in the year 2008, she has admitted her son into the Bharatia Vidhys Bhavan's Rajaji Vidyashram, No.6, Kilpauk Garden Road, Kilpauk, Chennai- 600 010.

3. The petitioner in the meanwhile had got employed as a pilot with Ethihad Airways. The minor child is in the custody of the petitioner's parents. She would state that the entire expenditure of the minor has been taken care by the petitioner and the respondent has not evinced any interest in either taking care of the child or meeting the day to day expenses.

4. Considering the fact that the child has no connection with his biological father or his paternal grand parents from the year 2006, the petitioner has come forward with the present petition to appoint her as the guardian of the person of the minor child.

5. The respondent has entered appearance through counsel and the learned counsel on 30.01.2020 had made an endorsement that her client has

no

P.T.ASHA, J.,

mrn

objection to the petition being ordered.

6. Considering the above, the OP is ordered as prayed for. The petitioner is appointed as guardian of the person of the minor S. Sanjay.

16.03.2020

mrn

Index : Yes/No

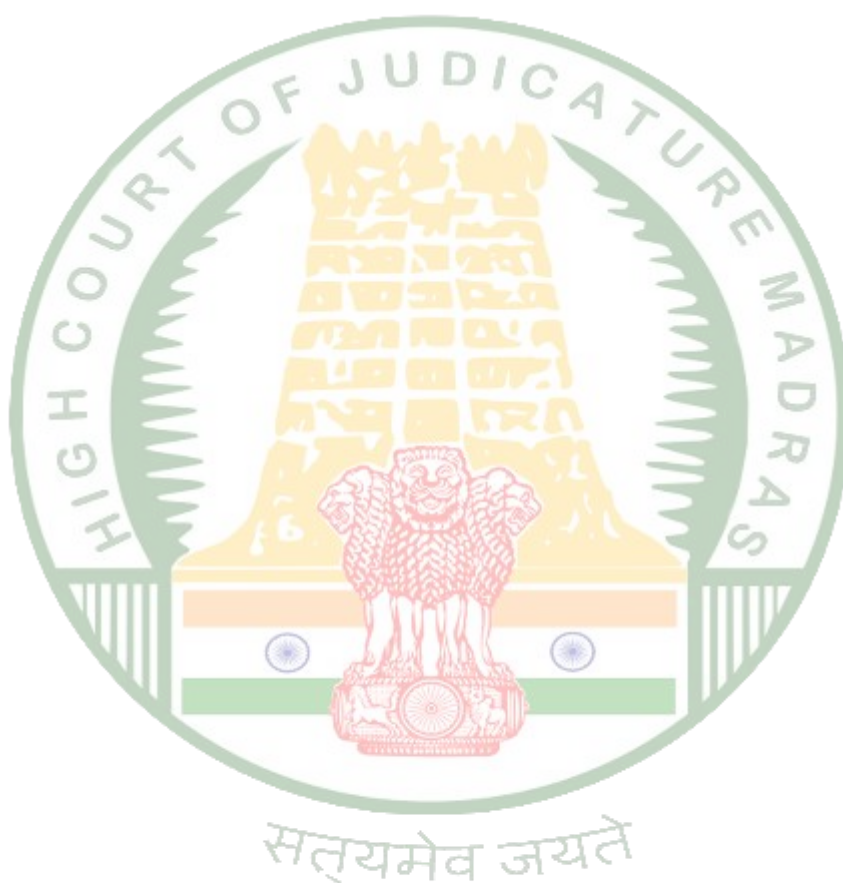
Speaking order/non-speaking order

Note: Issue order copy on 17.03.2020

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