

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.4713 of 2014

and

M.P.No.1 of 2014

T.Rajammal

...Petitioner

..Vs..

A.Narayanasamy

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.09.2014 in I.A.No. 1 of 2014 in G.O.P.No.1 of 2013, on the file of Additional District Judge at Dharmapuri.

For Petitioner : Mr.G.K.Sekar

For Respondent : Mr.C.Munusamy

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ORDER

This Civil Revision Petition is filed against the order passed in I.A.No.1 of 2014 in G.O.P.No.1 of 2013, on the file of Additional District Judge, Dharmapuri wherein the respondent herein filed the above C.M.P for appointment of guardian of person and property of the minor girl Kanishka and her date of birth is 20.10.1999.

2. The respondent herein is the maternal grandfather, whereas the petitioner herein is paternal grandmother, the revision petitioner herein being a mother of the father of the minor girl, has claimed 1/3rd share. Since she is Class I heir and hence, resisted the Guardian O.P on the ground the respondent cannot be appointed as a Guardian of the entire property. Since 1/3rd share belongs to her, it cannot be clubbed with that of the share of Narayanasamy-the respondent herein.

3. Pending G.O.P, they have filed I.A.No.1 of 2014 for amendment of the petition and therefore, he filed an application to amend the prayer in respect of 1/3rd share of the revision petitioner Rajammal, who is the mother of Shanmugam (father of the minor girl) and the said I.A was allowed stating that the G.O.P is only to the limited extent of share of the

minor girl – Kanishka alone. Aggrieved by the said order, the mother of the deceased Shanmugam has filed this Civil Revision Petition.

4. After hearing the learned counsel for some time and taking note of the fact that the date of birth of the minor girl being 20.10.1999 and also taking into consideration the fact that she will be attaining majority in the month of October 2020 and since the Guardian O.P is filed originally for entire property and the petitioner Rajammal being the mother of the father of the minor girl and that she is Class I heir of the deceased Shanmugam, she is entitled for 1/3 share of the property and hence, to the limited extent indicated above, the schedule of the property shall stand amended.

5. With this direction, this Civil Revision Petition is disposed of.

No costs.

31.01.2020

nvi

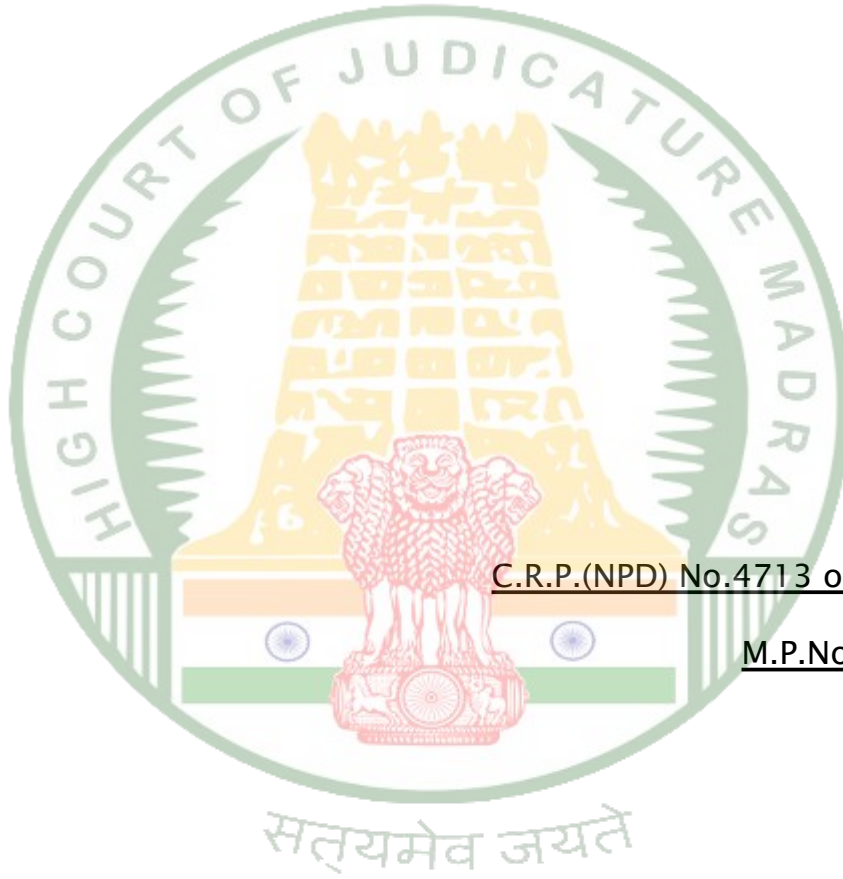
Index:Yes/No
Speaking Order:Yes/No

To
The Additional District Judge at Dharmapuri.

C.R.P.(NPD) No.4713 of 2014

RMT.TEEKAA RAMAN.J.,

nvi



C.R.P.(NPD) No.4713 of 2014 and

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31.01.2020