



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21st DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.101 of 2021

In the matter of Guardian and Wards
Act, 1890

and

In the matter of Minor female child by
name J.R.Kedhiziyal Hebzibha, born
on 20.04.2006.

A.Gnanasundhari
Wife of Alexander Albert
No.12/23, Kamarajar Colony 9th Street,
Kodambakkam,
Chennai 600 024.

.... Petitioner

Original Petition praying that this Hon'ble Court may be pleased to:-

i) That the petitioner may be appointed as a Guardian of the person and property of the female minor J.R.Kedhiziyal Hebzibha, born on 20.04.2006, Christian, aged about 14 years and of her immovable properties, morefully set out in the schedule hereunder.

ii) That a sum of Rs.10,000/- per month may be fixed for the maintenance and education of the minor

iii) That a sum of Rs.5000/- may be allowed to the petitioner as a guardian as her remuneration in respect of management of the immovable properties of the minor



iv) That the petitioner may be permitted to sell the immovable properties morefully set out in the schedule to the petition, deposit the sale proceeds in the name of minor after defraying expenses therefor and discharging the debts incurred by the minor's mother

v) That the petitioner may be permitted to collect the service benefits of minor's mother, her savings bank accounts, LIC policy benefits etc.

This Original Petition coming on this day before this court for hearing in the presence of Mr.R.Veeramani, advocate for the petitioner herein and upon reading the petition together with the declaration of willingness of A.Gnanasundhari, the petitioner herein accepting the office of Guardianship of the person and property of the minor above named filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein,

it is ordered as follows:-

That A.Gnanasundhari, the petitioner herein be and is hereby appointed as the Guardian of the minor J.R.Kedhiziyal Hebzipha and the property morefully setout in the schedule hereunder during his minority or until further orders of this court.

2. That the petitioner/Guardian appointed herein be and is hereby permitted to sell the immovable properties belongs to the minor

J.R.Kedhiziyal Hebzipha and the share of the minor shall be deposited in



fixed deposit in any of the nationzlized bank till the minor attains majority.

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3. That the petitioner/Guardian appointed herein shall produce a copy of the deposit receipt within one month from the date of the execution of the sale deed in favour of the purchaser and the petitioner shall receive the accrued interest from the deposit for the purpose of the education of the minor J.R.Kedhiziyal Hebzibha.

4. That the petitioner/Guardian appointed herein shall execute a Guardian Bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.-II), High Court, Madras.

SCHEDULE



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12.10.2021

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O.P. No.101 of 2021

ORDER:-

DATED: 21.09.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 21.10.2021

APPROVED ON : 22.10.2021



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TUESDAY, THE 21st DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

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Original Petition praying that this Hon'ble Court may be pleased to:-

i) That the petitioner may be appointed as a Guardian of the person and property of the female minor J.R.Kedhiziyal Hebzibha, born on 20.04.2006, Christian, aged about 14 years and of her immovable properties, morefully set out in the schedule hereunder.

ii) That a sum of Rs.10,000/- per month may be fixed for the maintenance and education of the minor

iii) That a sum of Rs.5000/- may be allowed to the petitioner as a guardian as her remuneration in respect of management of the immovable properties of the minor



iv) That the petitioner may be permitted to sell the immovable properties morefully set out in the schedule to the petition, deposit the sale proceeds in the name of minor after defraying expenses therefor and discharging the debts incurred by the minor's mother

v) That the petitioner may be permitted to collect the service benefits of minor's mother, her savings bank accounts, LIC policy benefits etc.

This Original Petition coming on this day before this Court for hearing the Court made the following orders:-

This Petition has been filed under Sections 3, 7(a), 8, 9, 10 & 29 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, (i) seeking appointment of the petitioner as the Guardian of the person and property of the female minor J.R.Kedhiziyal Hebzbha, born on 20.04.2006, Christian, aged about 14 years and of her immovable properties mentioned in the schedule (ii) That a sum of Rs.10,000/- per month may be fixed for the maintenance and education of the minor, (iii) That a sum of Rs.5000/- may be allowed to the petitioner as a guardian as her remuneration in respect of management of the immovable properties of the minor (iv) to permit the petitioner to sell the immovable properties morefully set out in the schedule to the petition, deposit the sale proceeds in the name of minor after defraying expenses therefor and

discharging the debts incurred by the minor's mother (v) to permit the



petitioner to collect the service benefits of minor's mother, her savings bank accounts, LIC policy benefits etc.

2. The case of the petitioner is that the minor girl J.R.Kedhiziyal Hebzipha was her sister's daughter. The sister of the petitioner was married to one Mr.Justin Raj who died on 02.06.2007. The petitioner's sister also died on 15.06.2019, leaving behind the minor girl as a sole legal heir. At the time of the death of the petitioner's sister, she left immovable properties in Villupuram and Tirupur District and a flat has been leased out for a sum of Rs.3,00,000/- and also the service benefits of the petitioner's sister. The minor girl is now under the care and custody of the petitioner. The minor girl has been provided with good education, health care and maintenance. The petitioner states that she wants to sell the immovable properties left by the petitioner's sister. Since the petitioner wants to utilise the money for the welfare of the minor, she has filed the present petition for the relief stated supra.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and marked Ex.P.1 to P.12.

4. P.W.1 in her evidence has stated that the minor J.R.Kedhiziyal Hebzipha was born to the petitioner's sister and her husband Mr.Justin Raj on 20.04.2006. Ex.P1 is the original birth certificate of J.R.Kedhiziyal

Hebzipha, who was born on 20.04.2006. Ex.P2 is the original death



certificate of the petitioner's sister's husband Mr.R.Justin Raj, who died on 02.06.2007. Ex.P3 is the computer generated death certificate of J.Ruth Selva Mary, who died on 15.06.2019. Ex.P4 is the photocopy of the identity card of the deceased J.Ruth Selva Mary issued by the Revenue Department, Government of Tamil Nadu. Ex.P5 is the certified copy of the Service Register in respect of J.Ruth Selva Mary. Ex.P6 is the photocopy of the Sale Deed dated 01.09.2008 executed in favour of 1.R.Kalavathi 2. J.Ruth Selva Mary. Ex.P7 is the photocopy of the Sale Deed dated 08.03.2011, executed in favour of J.Ruth Selva Mary. Ex.P8 is the photocopy of the Lease Deed dated 13.06.2016. Ex.P9 is the photocopy of the SBI Savings Account passbook bearing Account No.20079296452 standing in the name of J.Ruth Selva Mary. Ex.P10 is the photocopy of the Indian Bank savings account pass book bearing Account No.741218607 standing in the name of J.Ruth Selva Mary. Ex.P11 is the original relationship certificate dated 12.08.2021. Ex.P12 is the petitioner's declaration of willingness.

5. It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of her education and investment in other properties, she has decided to dispose of the properties. Ex.P12 is the declaration of willingness to accept the office of guardianship in respect of the minor J.R.Kedhiziyal Hebzbha.



6. Considering the averments made in the petition and on perusing the materials available on record, this Court is of the opinion that the petitioner is entitled for the relief as sought in the petition.

7. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the minor J.R.Kedhiziyal Hebzibha. The petitioner is also permitted to sell the immovable properties belongs to the minor J.R.Kedhiziyal Hebzibha. The share of the minor shall be deposited in fixed deposit in any of the nationalized bank till the minor attains majority. The petitioner shall produce a copy of the deposit receipt within one month from the date of the execution of the sale deed in favour of the purchaser and the petitioner shall receive the accrued interest from the deposit for the purpose of the education of the minor J.R.Kedhiziyal Hebzibha. 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.

Sd./-V.P.N.J
21.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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