

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Original Petition No.227 of 2021

P.Anubharathi,
D/o.K.Thilakavathi,
Plot No.5, Gandhimathinathan Illam,
Mahathma Gandhi Street,
Senthil Nagar Extension,
Chrompet, Chennai - 600 044. ... Petitioner

versus

S.Jeyaram Baba,
S/o.Late.Senthilarumugam,
Pallakuruchi,
Opp. to Sarada School,
Padukkapathu via,
Tuticorin District - 628 703. ... Respondent

Prayer: Petition filed under Sections 3, 7 to 10 and 25 of the Guardian and Wards Act VIII of 1890 read with Rule 2 and 3 of the Original Side Rules read with Section 17 of the Letters Patent Act, seeking for the following reliefs;

(i) the petitioner herein may be appointed as the Guardian of the person of the minor child J.A.Gandhimathi, born on 20.06.2012; and

(ii) to grant permanent custody of the minor child J.A.Gandhimathi, born on 20.06.2012.

For Petitioner : M/s.K.Sumathi

For Respondent : M/s.R.Premalatha

ORDER

This Original Petition has been filed by one P.Anubharathi under Sections 3, 7 to 10 and 25 of the Guardian and Wards Act VIII of 1890 read with Rule 2 and 3 of the Original Side Rules read with Section 17 of the Letters Patent Act, seeking the relief that she may be appointed as the Guardian of the person of the minor child J.A.Gandhimathi, born on 20.06.2012.

2. The petitioner / P.Anubharathi is the wife of the respondent / S.Jeyaram Baba. The marriage between the petitioner and the respondent was solemnised on 02.09.2011 as per Hindu Rites and Customs. After the marriage, on 20.06.2012, the petitioner herein given birth to one female child, namely, J.A.Gandhimathi.

3. After some time from the date, on which, the petitioner

given birth to the minor child, due to difference of opinion, the petitioner left the matrimonial home. Subsequent to that, due to the intervention of elders, both the petitioner and the respondent mutually decided to go in for a divorce. Ultimately, an application has been filed under Section 13-B of the Hindu Marriage Act, for the relief of dissolution of marriage.

4. In the meantime, the present petition has been filed by the petitioner, for the relief stated supra. In respect to this petition, after entering into the appearance, the respondent herein has filed a consent affidavit wherein he has consented for allowing this petition filed by the petitioner P.Anubharathi. After the receipt of the consent affidavit, this Court directed the parties to appear before this Court and thereafter, today as directed, both the petitioner and the respondent are appeared before this Court through Video Conferencing. On enquiry, the respondent S.Jeyaram Baba has given consent for allowing this petition filed by the petitioner.

5. Accordingly, in view of the consent affidavit given by the

respondent, this Original Petition is allowed. The petitioner P.Anubharathi is appointed as the Guardian of the person of the minor child J.A.Gandhimathi, born on 20.06.2012. Further, the petitioner is at liberty to have the custody of the minor child J.A.Gandhimathi. However, there is no order as to costs.

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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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R.PONGIAPPAN, J.
sri



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