

O.P.No.418 of 2021**V.PARTHIBAN, J.**

This Petition has been filed under Sections 3, 7, 8, 9, 10 and 29 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the petitioner as a Guardian of the person and property of minor D.Kavery and to permit the petitioner to sell the minor's share in the schedule mentioned property and to execute necessary sale deed on behalf of the minor and to permit the petitioner to deposit the sale proceeds in the name of the minor in any of the nationalized Bank and to withdraw the interest to utilize the funds for the welfare of the Minor D.Kavery.

2. Heard the learned counsel for the petitioner.

3. The case of the petitioner is that the minor D.Kavery is the younger sister of the petitioner. She states that she along with her two sisters were born to her parents viz., Mr.N.Dilli Kumar and Mrs.D.Manjula. Out of the lawful wedlock of her parents, three girl children were born viz., the petitioner herein and her two younger sisters. The petitioner's mother died

due to accident on 09.06.2013 and her father also died on 12.10.2018, leaving behind her and two younger sisters. After the demise of their parents, the petitioner and her sisters were left without any money to lead their life and as they were students, they were not having any sufficient funds to lead their daily life. Hence, the petitioner decided to sell the property which stands in the name of her mother, in Old Survey No.614, 615 admeasuring to an extent of 2427 Sq.ft bearing Plot No.9, Teacher Thambaiya Reddiyar Nagar, Madura Mettupalayam, Madhavaram Village, Madhavaram Taluk. Since the petitioner also wants to utilise the money for the welfare of the minor D.Kavery, she has filed the present petition for the relief stated supra.

4. The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and marked Ex.P1 to P12. Ex.P1 is the computer generated birth certificate of the petitioner dated 04.02.1999. Ex.P2 is the computer generated birth certificate of D.Vinothini, who was born on 07.01.2001. Ex.P3 is the computer generated birth certificate of D.Kavery, who was born on 10.08.2004. Ex.P4 is the original Settlement Deed dated 29.09.2003 in favour of D.Manjula. Ex.P5 is the computer

generated death certificate of D.Manjula, who died on 09.06.2013. Ex.P6 is the photocopy of the Legal Heirship Certificate dated 30.08.2013 in respect of D.Manjula. Ex.P7 is the computer generated death certificate of Dillikumar, who died on 12.10.2018. Ex.P8 is the photocopy of the front page of the petitioner's pass book bearing Account No.32551300599 issued by the State Bank of India. Ex.P9 is the photocopy of the front page of the bank pass book of D.Kavery bearing Account No.35648799619 issued by the State Bank of India. Ex.P10 is the photocopy of the petitioner's Aadhaar Card bearing No.686973442962. Ex.P11 is the photocopy of the Aadhaar card of D.Kavery bearing No.862851905540. Ex.P12 is the Declaration of Willingness.

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

6. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the minor D.Kavery. The petitioner is also permitted to sell the minor's share in the schedule

mentioned property and to execute necessary sale deed on behalf of the minor and 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 D.Kavery. 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.

7. The learned counsel for the petitioner requested this Court to return the original Settlement Deed dated 29.09.2003.

8. Registry is therefore directed to return the original Settlement Deed dated 29.09.2003 to the learned counsel for the petitioner.

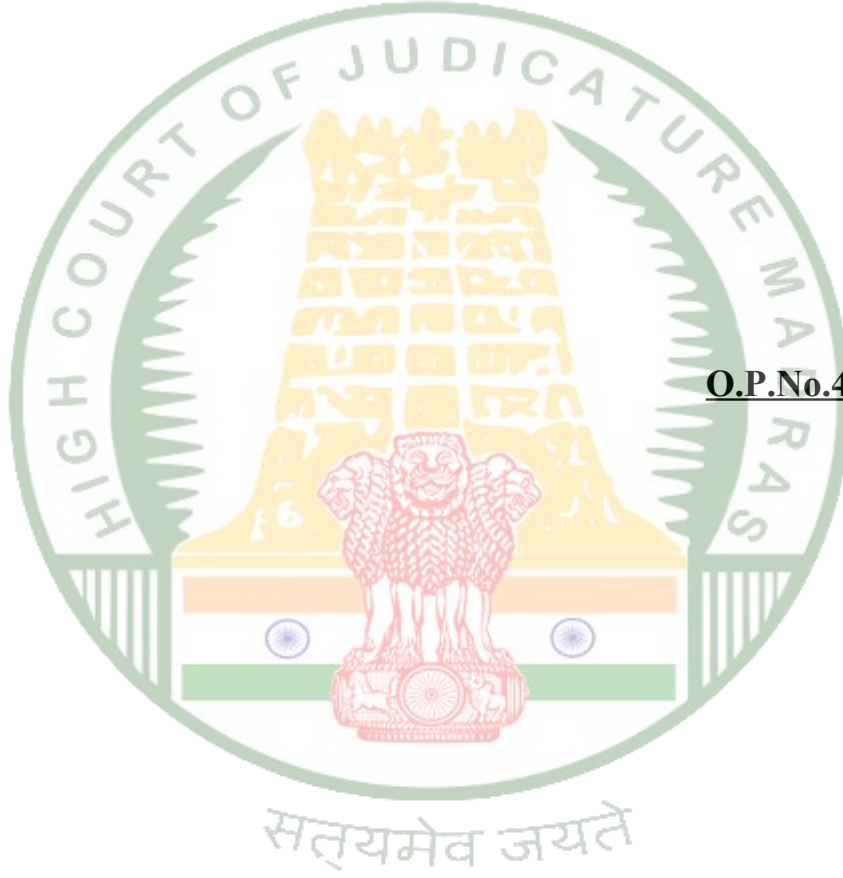
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