



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.291 of 2021

(In the matter of Guardian and
Wards Act 1890 and in the matter of
Appointment of Guardian for Minor
M.Lavanya)

Mr.N.Muruganandam,
Son of Nathamuni,
Residing at No.10, Periyapalayathamman Koil Street,
Maduma Nagar, Perambur, Chennai 600 011. : Petitioner

Original Petition praying that this Hon'ble Court be pleased to
pass an order by declaring the petitioner as guardian of the person of the
Minor M.Lavanya, Daughter of late N.S.Mohan and late Mrs.Lalitha Devi,
aged 14 years.

This Original Petition coming on this day before this court for
hearing in the presence of Mr.A.D.Janarthanan, Advocate for the Petitioner
herein, and upon reading the petition and the affidavit of N.Muruganandam
filed herein, and the other exhibits therein referred to and upon perusing the
evidence adduced therein and, it is ordered as follows:-

That N. Muruganandam, the petitioner herein be and is hereby
appointed as the as the Guardian of the minor girl M.Lavanya during her



minority or until further orders of this Court.

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2. The 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 Assistant Registrar O.S.(II), High Court, Madras.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27th DAY OF JULY 2021.

Sd/-
ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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09.09.2021

O.P. No.291 of 2021

ORDER

DATED : 27.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 14.09.2021

APPROVED ON: 14.09.2021



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Original Petition praying that this Hon'ble Court be pleased to pass an order by declaring the petitioner as guardian of the person of the Minor M.Lavanya, Daughter of late N.S.Mohan and late Mrs.Lalitha Devi, aged 14 years.

This Original Petition coming on this day before this court for hearing, the court made the following order:-

This Petition has been filed under Sections 3 and 7 to 10 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 the Guardian of the person of the Minor M.Lavanya, daughter of late N.S.Mohan and late Mrs.Lalitha Devi, aged 14 years.



2. The case of the petitioner is that he is an Auto driver and the maternal uncle of Minor M.Lavanya. The minor girl was born on 20.09.2005. The mother of the minor girl died on 02.03.2006 due to fire accident. After the death of the minor girl's mother, her father did not take care of her and was living separately. The grandmother of the minor girl viz., Mrs.Kumari was having custody of minor girl and the petitioner was also residing with her at No.10, Periyapalayathamman Koil Street, Maduma Nagar, Perambur, Chennai. The grandmother of the minor girl also died on 22.05.2017. The petitioner was only taking care of the entire needs of the minor girl from her childhood, since the petitioner and his wife have no issues from the wedlock. He is also very much interested in the welfare of the minor girl and her education.

3. The petitioner state that the father of the minor girl also died on 25.09.2019. Hence, in the interest of justice, it is just and necessary to appoint the petitioner as a guardian of Minor Lavanya, to facilitate her to get any scholarship for her education from the Government. In the said connection, any documents to be submitted on behalf of minor child to the Education Department, appointment of a guardian to represent the minor is a legal imperative.

4. The petitioner also state that he has been supporting the minor



girl's education financially for the past 15 years without any help from her parents. The petitioner further state that the minor girl is now studying X Standard. The petitioner is more than willing in incur expenditure for her higher education. Any admission to the institution of education, the minor should be represented by a legal guardian to be appointed by this Court. Hence the petitioner is before this Court with the above prayer.

5. According to the petitioner, there is no wrongful gain of malafide intention in filing this petition. There is no adverse interest against the minor girl. For the welfare of the minor girl and to educate her only, the petitioner has filed this petition seeking to declare him as her guardian.

6. The petitioner stated that there is no other guardianship petition is pending or filed and there is no other order requesting the guardianship of the minor and no guardian of the person or of the property of the minor has been appointed by any person and no application has been made to this Court or any other Court with respect to the guardianship of the person or property of the minor.

7. The petitioner, who examined himself as P.W.1, reiterated the



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8. Ex.P1 is the photocopy of the birth certificate of M.Lavanya, who was born on 20.09.2005 (Marked after comparing and verifying with the original). Ex.P2 is the photocopy of the death certificate of Lalitha Devi, who died on 02.03.2006 (Marked after comparing and verifying with the original). Ex.P3 is the photocopy of the School ID card of the Minor M.Lavanya (Marked after comparing and verifying with the original). Ex.P4 is the computer generated death certificate of Nadhamuni, who died on 06.05.2013. Ex.P5 is the computer generated death certificate of N.Kumari, who died on 22.05.2017. Ex.P6 is the photocopy of the Legal Heirship certificate dated 31.08.2017 in respect of Kumari (Marked after comparing and verifying with the original). Ex.P7 is the computer generated death certificate of N.S.Mohan, who died on 25.09.2019. Ex.P8 is the original Bonafide certificate of M.Lavanya issued on 11.10.2019. Ex.P9 is the photocopy of my Aadhaar card bearing No.3146 9701 1063 (Marked after comparing and verifying with the original). Ex.P10 is the photocopy of the front page of my Bank passbook bearing account No.38568139683 issued by SBI (Marked after comparing and verifying with the original). Ex.P11 is the photocopy of the Aadhaar card of M.Lavanya bearing No.61308629 3121 (Marked after comparing and verifying with the original). Ex.P12 is



M.Lavanya bearing account No.39068860006 issued by State Bank of India

(Marked after comparing and verifying with the original). Ex.P13 is the photocopy of the Voter Identity card of Nadhamuni (Marked after comparing and verifying with the original). Ex.P14 is the photocopy of the Voter Identity card of Kumari (Marked after comparing and verifying with the original). Ex.P15 is the photocopy of my Voter Identity Card (Marked after comparing and verifying with the original). Ex.P16 is the photocopy of the Voter Identity card of Lalitha Devi (Marked after comparing and verifying with the original).

9. 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 in the petition.

10. Accordingly, this petition is ordered, by appointing the petitioner as the Guardian of the person of the minor girl M.Lavanya. 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.

27/07/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)