



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 20th DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.546 of 2021

and

A.No.2978 of 2021

In the matter of Guardianship of
Evangeline Jessica Edwin Minor aged
14 years.

Mr.V.Jesuvaliant
S/o.Mr.K.A.Vincent
Old No.18, New No.27, Ground Floor,
Balfour Road, Kilpauk, Chennai 600 010.

.. Petitioner/Applicant

Vs.

Mr.Barnes C.Doss
S/o.Mr.Samuel Murdoch Doss
E 303, S.P.HomesShyamas Yes Gee Yes
No.156, Rajangkuppam Road,
Ayanambakkam, Chennai 95.

.. Respondent/Respondent

O.P. No.546 of 2021

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

(i) appoint the petitioner Mr.V.Jesuvaliant S/o.Mr.K.A.Vincent
Christian aged 42 years as the Legal Guardian of the person of the minor
Evangeline Jessica Edwin D/o.late.Mr.K.Edwin aged 14 years,

ii) Grant permanent custody of the minor Evangeline Jessica Edwin

D/o.late.Mr.K.Edwin aged 14 years to the petitioner Mr.V.Jesuvaliant

S/o.Mr.K.A.Vincent Christain aged 42 years.



A.No.2978 of 2021

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Application praying that this Hon'ble Court may be pleased to grant interim custody of the minor Evangeline Jessica Edwin D/o.late.Mr.K.Edwin aged 14 years to the applicant Mr.V.Jesuvaliant S/o.Mr.K.A.Vincent Christian aged 42 years pending disposal of the main O.P.

This Original Petition along with the application coming on this day before this court for hearing in the presence of Mr.V.M.Venkatramana, advocate for the petitioner in O.P.No.546 of 2021 and for the applicant in A.No.2978 of 2021 herein and upon reading the petition together with the declaration of willingness of Mr.V.Jesuvaliant, the petitioner herein accepting the office of Guardianship of the person of the minor above named filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein and the Judges Summons and the affidavit of V.Jesuvaliant filed in A.No.2978 of 2021 it is ordered as follows:-

That Mr.V.Jesuvaliant S/o.Mr.K.A.Vincent Christian aged 42 years, the petitioner herein be and is hereby appointed as the Legal Guardian of the minor Evangeline Jessica Edwin, during her minority or until further orders of this court.



custody of the minor Evangeline Jessica Edwin, D/o.Late Mr.K.Edwin, aged 14 years.

3. That the petitioner/Guardian appointed herein be and is hereby directed to execute a security 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.

4. That the A.No.2978 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 20th DAY OF OCTOBER 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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06.12.2021

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O.P. No.546 of 2021
and
A.No.2978 of 2021

ORDER:-

DATED: 20.10.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 7.12.2021

APPROVED ON : 07.12.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.10.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.546 of 2021
and A.No.2978 of 2021

Mr.V.Jesuvaliant
S/o.Mr.K.A.Vincent,
Old No.18, New No.27, Ground Floor,
Balfour Road, Kilpauk, Chennai-600 010.

.. Petitioner

Vs.

Mr.Barnes C.Doss
S/o.Mr.Samuel Murdoch Doss
E 303, S.P.Homes Shyams Yes Gee Yes
No.156, Rajangkuppam Road,
Ayanambakkam, Chennai-95.

.. Respondent

Original Petition (O.P) filed under Sections 3, 7 to 10 and 25 of the Guardian and Wards Act, 1890 read with Order XXI Rules 2 and 3 of the Original Side Rules of this Court, praying for the following reliefs:

(i) Appoint the petitioner Mr.V.Jesuvaliant, S/o. Mr.K.A.Vincent Christian, aged 42 years, as the Legal Guardian of the person of the minor Evangeline Jessica Edwin, D/o. Late Mr.K.Edwin, aged 14 years;

(ii) Grant permanent custody of the minor Evangeline Jessica Edwin, D/o. Late Mr.K.Edwin, aged 14 years to the petitioner Mr.V.Jesuvaliant, S/o. Mr.K.V.Vincent Christian, aged 42 years and pass such other or further orders as this Court may deem fit and proper in the circumstances of the case.



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For petitioner : M/s.V.M.Venkatramana,

Mr.S.Viswanathan

ORDER

This Original Petition is filed praying for the following reliefs:

(i) Appoint the petitioner Mr.V.Jesuvaliant, S/o. Mr.K.A.Vincent Christian aged 42 years as the Legal Guardian of the person of the minor Evangeline Jessica Edwin, D/o. Late Mr.K.Edwin, aged 14 years;

(ii) Grant permanent custody of the minor Evangeline Jessica Edwin, D/o. Late Mr.K.Edwin, aged 14 years to the petitioner Mr.V.Jesuvaliant, S/o. Mr.K.V.Vincent Christian, aged 42 years and pass such other or further orders as this Court may deem fit and proper in the circumstances of the case.

2. The case of the petitioner as culled out from the petition is as follows:

2.1. The petitioner states that the father of the minor Evangeline Jessica Edwin viz., Mr. K.Edwin died on 05.12.2014 at No.S2Vaishali Enclave No 31/33, 3rdCross Street, Kamban Nagar, Reddiarpalayam, Puducherry 605010.

2.2. The Petitioner states that the mother of the minor Evangeline



Jessica Edwin viz., Ms. Caroline Premila W/o.late.Mr.K.Edwin and minor's Elder sister Ms. Evelyn Keziah Edwin died in a road accident on 06.12.2020 under mysterious circumstances. The minor Evangeline Jessica Edwin is now studying in X standard in Dawn School, Andal Ammal Extn. Street, Nolambur, Mogappair West, Chennai - 600 095.

2.3. The nearest relation of the minor is the respondent/maternal grandfather of the minor is an octogenarian and is physically unable to look after the minor.

2.4. The petitioner Mr. V.Jesuvaliant S/o. Mr. K.A.Vincent Christian aged 42 years, the proposed guardian, is a land-owner. He is a Close male relation of the minor, is married to one Ms.Kanchana Amudarajan, and has no issues out of his wedlock till date and resides with his family consisting of this father, mother and his wife at Old No.18, New No.27, Ground Floor, Balfour Road, Kilpauk, Chennai - 600 010. The petitioner is in good circumstances, having an income of Rs.9,76,380/- per annum and of good character and reputation and of good business habits, and is a fit and proper person to be appointed as guardian of the person. The petitioner is 2ndnephew of the minor Evangeline Jessica Edwin's father late.Mr.K.Edwin. The late.Mr.K.Edwin's mother Mrs.Irene Karunakaradoss is cousin of petitioner's father Mr. K.A.Vincent. The respondent also has no



Evangeline Jessica Edwin. The petitioner is paternal side relative of minor Evangeline Jessica Edwin.

2.5. The petitioner is willing to act as guardian of minor. The petitioner is very emotionally attached to the minor and has her best interests in mind. The unexpected death of the minor Evangeline Jessica Edwin's mother and elder sister has led in change in circumstances and necessitates different custody arrangement for the minor. The petitioner and his wife do not have any issues till date. The petitioner submits that the minor's best interests and welfare would be served if he is allowed to act as guardian of the minor Evangeline Jessica Edwin and raise her under his care and custody. This application for the guardianship and custody of the minor Evangeline Jessica Edwin is in consonance with the wishes of the respondent.

2.6. The petitioner is committed to taking care of the minor Evangeline Jessica Edwin and is willing to dedicate his time, energy and resources for the same. The petitioner states that the minor Evangeline Jessica Edwin's welfare is his utmost priority and will always act as such.

2.7. The petitioner is also taking out a separate application for interim custody of the minor Evangeline Jessica Edwin to perform his duties as guardian of the minor Evangeline Jessica Edwin in the school education of



2.8. No other person has been appointed as guardian of the minor

Evangeline Jessica Edwin.

2.9. Soon after the death of the minor's mother, the minor is residing with the petitioner at his above-mentioned address at Old No.18, New No.27, Ground Floor, Balfour Road, Kilpauk, Chennai - 600 010, within the jurisdiction of this Hon'ble Court.

2.10. No guardian for the minor has been appointed by any person and no application has at any time been made to this Hon'ble Court or to any other Court with respect to guardianship of the minor Evangeline Jessica Edwin. The welfare of the minor requires that the petitioner be granted permanent custody and appointed as guardian of the child. Hence, for the above reasons, the petitioner has filed the present petition for the relief stated supra.

3. The petitioner was examined as PW1 and marked Exs.P1 to P14. Ex.P1 is the original Birth Certificate of Evangeline Jessica Edwin, who was born on 07.09.2006. Ex.P2 is the photocopy of the Aadhaar Card of the minor Evangeline Jessica Edwin bearing No.7647 5952 3382 (Marked after comparing and verifying with the original). Ex.P3 is the photocopy of the death certificate of Edwin, who died on 05.12.2014 (Marked after



comparing and verifying with the original. Counsel for the petitioner is not inclined to mark the original document as exhibit. Admissibility and evidentiary value of this document will be decided later. Ex.P5 is the computer generated death certificate of Caroline Premila, who died on 06.12.2020. Ex.P5 is the photocopy of the F.I.R. in Crime No.193 of 2020. Ex.P6 is the photocopy of the Post-Mortem certificate dated 07.12.2020 in respect of Caroline Premila (Marked after comparing and verifying with the original. Counsel for the petitioner is not inclined to mark the original document as Exhibit. Admissibility and evidentiary value of this document will be decided later). Ex.P7 is the computer generated Legal Heirship Certificate dated 08.12.2020 in respect of Caroline Premila. Ex.P8 is the photocopy of the PAN Card of Evangeline Jessica Edwin (Marked after comparing and verifying with the original). Ex.P9 is the photocopy of the Aadhaar Card of the petitioner bearing No.7108 2504 0023 (Marked after comparing and verifying with the original). Ex.P10 is the photocopy of the Aadhaar Card of the petitioner's wife Kanchana Amudarajan bearing No.4014 7057 9574 (Marked after comparing and verifying with the original). Ex.P11 is the computer generated copy of the Income Tax Returns of the petitioner for the Assessment Year 2018-19. Ex.P12 is the computer generated copy of the Income Tax Returns of the petitioner for the



Lease dated 07.11.2020 for petitioner's residence (Marked after comparing and verifying with the original). Counsel for the petitioner is not inclined to mark the original document as exhibit. Admissibility and evidentiary value of this document will be decided later). Ex.P14 is the Declaration of willingness of PW1.

4. The respondent was examined as PW2. He has filed the proof affidavit stating that he has no objection for appointment of the petitioner as guardian of the minor Evangeline Jessica Edwin. The consent affidavit of PW2 was marked as Ex.P15. The wife of the petitioner was examined as PW3 and she has filed a proof affidavit expressing no objection for appointment of the petitioner as guardian of the minor Evangeline Jessica Edwin.

5. Considering the oral and documentary evidence and the materials placed on record, this Court is satisfied that the petitioner is entitled to succeed in this Original Petition. Accordingly, this Original Petition in O.P.No.546 of 2021 is ordered in the following terms:

(i) The petitioner viz., Mr.V.Jesuvaliant, S/o. Mr.K.A.Vincent Christian, aged 42 years, is hereby appointed as Legal Guardian of the person of the minor Evangeline Jessica Edwin, D/o. Late Mr.K.Edwin, aged



14 years;

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(ii) The petitioner is granted permanent custody of the minor Evangeline Jessica Edwin, D/o.Late Mr.K.Edwin, aged 14 years.

(iii) The petitioner is also directed to execute a security 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.

Consequently, A.No.2978 of 2021 is closed.

Sd./-V.P.N.J
20.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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