



O.P.No.548 of 2021

O.P.No.548 of 2021

WEB COPY

ABDUL QUDDHOSE, J.

This petition has been filed seeking for appointment of the petitioners, as the legal guardian for the minor children, by name, P.Oviya, aged 15 years and P.Dharsha, aged 11 years.

2. The first petitioner is the grand-mother of the aforesaid minor children (mother of P.Purushothaman/the father of the minor children) and the second petitioner is the paternal uncle of the minor children (P.Purushothaman's brother).

3. It is the case of the petitioners that the father of the minor children, P.Purushothaman has committed suicide and died on 11.05.2019. The mother of the minor children, the respondent herein left the matrimonial home on 20.02.2019 and ever since that date, she has not returned back to the matrimonial home and the minor children were only under the custody of the petitioners. It is also the case of the petitioners that the respondent would often say that she had loved one Prem Kumar and that she should have married him rather than marrying the first petitioner's son and would often go out with other



O.P.No.548 of 2021

men and would never return back for a week or two and this had caused continuous fights and quarrels between the respondent and the first petitioner's son about her immoral actions pertaining to her going out with other men and returning back after weeks. According to the petitioners, the behaviour of the respondent was encouraged by her mother. It is also the case of the petitioners that only due to the behaviour of the respondent, the first petitioner's son, P.Purshothaman committed suicide and died on 19.05.2019.

4. As seen from this petition, a complaint has been lodged by the petitioners with G2, Periamet Police Station, and an F.I.R. has also been registered against the respondent in F.I.R.No.45/2019. It is also stated in the petition that the petitioners came to know from the Police that the respondent does not want to live with the first petitioner's son any more and she does not want the two daughters also. Therefore, according to the petitioners, the respondent has abandoned her minor children born out of her wedlock with her first petitioner's son, P.Purushothaman.

5. It is also the case of the petitioners that ever since the respondent left the matrimonial home on 20.02.2019 disowning her minor children, she has not returned back and she has not cared to maintain her minor children. It is



O.P.No.548 of 2021

also the case of the petitioners that they have been maintaining the minor children ever since 2019 and they will continue to do so and provide proper education and other needs to the minor children. In such circumstances, the petitioners have filed this petition for their appointment as legal guardian for the minor children, P.Oviya and P.Dharsha.

5. Before the learned Master, the first petitioner has been examined as P.W.1 and she has deposed on behalf of the second petitioner also. The following documents were marked as Exhibits on the side of P.W.1.

Exhibits	Nature of the documents
P1	Photocopy of the Employee Identity Card of late P.P.Purushothaman
P2	Computer generated Birth Certificate of P.Oviya to prove that she was born on 28.01.2007.
P3	Computer generated Birth Certificate of P.Dharsha to prove that she was born on 02.05.2009.
P4	Photocopy of the letter dated 17.06.2019 submitted by late P.P.Purushothaman to the Inspector of Police, G-2 Periamet Police Station, Chennai.
P5	Computer generated F.I.R.dated 21.02.2019 bearing F.I.R.No.45/2019 registered by G-2 Periamet Police Station.
P6	Photocopy of the Death Report of late P.Purushothaman to prove that he committed suicide on 11.05.2019.
P7	Computed generated death certificate of late P.Purushothaman to confirm that he died on 11.05.2019.
P8	Computer generated Legal Heirship certificate dated 12.07.2019 for late P.P.Purushothaman disclosing that the minor children P.Oviya and P.Dharsha as well as the first



WEB COPY



O.P.No.548 of 2021

Exhibits	Nature of the documents
	petitioner and the respondent are his legal heirs.
P9	Office copy of the letter dated 12.02.2020 sent by P.Saroja to the Registrar, Tamil Nadu Veterinary and Animal Sciences University, Chennai – 51 along with the original postal receipt pasted in it.
P10	Office copy of the letter dated 10.11.2020 sent by P.Saroja to the Finance Officer, Tamil Nadu Veterinary and Animal Sciences University, Chennai – 51, along with the original postal receipts (2 Nos) and original postal acknowledgement card (1 No).
P11	Original letter dated 19.11.2020 sent to P.Saroja by the Assistant Accounts Officer, Tamil Nadu Veterinary and Animal Sciences University along with the original cover.
P12	Office copy of the letter dated 14.12.2020 sent by P.Saroja to the officer concerned of Tamil Nadu Veterinary and Animal Sciences University, along with original postal receipts (4 Nos.) and online consignment tracking (4 Nos.)
P13	Photocopy of the School Identity Card of P.Oviya (VII Std.) issued by St.Aloysius Anglo-Indian Hr.Sec.School, Chennai – 122.
P14	Photocopy of the School Identity Card of P.Dharshà (V Std.) issued by St.Aloysius Anglo-Indian Hr.Sec.School, Chennai – 122.
P15	Photocopy of the Aadhaar copy of P.Oviya bearing No.6253 1490 9341
P16	Photocopy of the Aadhaar card of P.Dharsha bearing No.8827 1932 5869
P17	Photocopy of the Aadhaar card bearing No.3696 7430 1784 of the petitioner.
P18	Photocopy of the Aadhaar card of the 2 nd petitioner, P.Tirumalaivasan, bearing No.5238 3933 8461
P19	Joint declaration of willingness given by both the petitioners.



O.P.No.548 of 2021

6. The first petitioner in her deposition has reiterated the contents of the petition filed in support of G.W.O.P.No.548 of 2021. As seen from the evidence available on record, the petitioners are maintaining the minor children, P.Oviya and P.Dharsha ever since 2019 onwards and both the minor children are living with them.

7. This Court directed the petitioners along with minor children to be personally present before this Court. In accordance with the said direction, the petitioners as well as the minor children were present and this Court enquired personally with them. Thereafter, this Court is satisfied that the contents of the petition filed in support of G.W.O.P.No.548 of 2021 are true. The minor children, P.Oviya and P.Dharsha have also stated that they are comfortably living with the petitioners under the care and custody of the petitioners and they have taken care of by them properly. The second petitioner, who is the paternal uncle of the minor children, was also enquired by this Court. He stated that he is working in a Transport Company at Periamet in chennai and was earning sufficient money to pay for the minor children. He also stated that his two children are employed and well settled.



O.P.No.548 of 2021

8. The first petitioner, the grand mother of the minor children was also personally enquired by this Court and she has also stated that she has no problem for maintaining the minor children. The first minor child, viz., P.Oviya is aged 15 years and she is studying in 10th standard at St.Aloysius Anglo-Indian Hr.Sec.School, Chennai-122 and the other minor child, P.Darsha, is aged 11years and is studying 7th Standard in the very same School. Both of them have stated before this Court that they are comfortably living with the petitioners. They have also stated that they do not want their mother and they do not want to live with her on account of her immoral behaviour.

9. A categorical statement has been made by the petitioners that the respondent is having the habit of living with other male strangers and she is leading an immoral life. The first petitioner (P.W.1) has also deposed before the learned Master accordingly.

10. As seen from the contents of the petition filed in support of G.W.O.P.No.548 of 2021 as well as the evidence available on record, it is clear that the respondent (mother) cannot have legal guardian of the minor children due to her immoral behaviour, as she has disowned and abandoned the children ever since 2019 and she left the matrimonial home.



O.P.No.548 of 2021

WEB COPY

11. As seen from the evidence ever since 2019, the respondent has not spoken to the children or made attempts to speak with them. It is also the case of the petitioners that the Police have informed them that the respondent is not interested in maintaining her minor children any more. An F.I.R. has also been registered against the respondent, which has been marked as Ex.P5 in F.I.R.No.45 of 2019 by G2, Periamet Police Station. Despite registration of F.I.R, no steps have been taken till date by the respondent. Even in this petition, the respondent has been duly served and her name is also printed in the cause list today. Despite service of notice in this petition, she has also chosen not to defend this petition.

12. From all the aforementioned factors, it is clear that the respondent is not interested in maintaining her minor children and it is only the petitioners, who are interested in maintaining the minor children, P.Oviya and P.Dharsha. They have also been maintaining the minor children ever since 2019.

13. For the foregoing reasons, this Court is satisfied with the reasons given by the petitioners for grant of legal guardianship in their favour of the minor children, P.Oviya and P.Dharsha. Accordingly, G.W.O.P.No.548 of 2021 is allowed as prayed for, by appointing the petitioners jointly as the legal



O.P.No.548 of 2021

guardian for the minor children P.Oviya and P.Dharsha.

WEB COPY

25.11.2021

Index: Yes/No
Internet: Yes/No
srn



WEB COPY



O.P.No.548 of 2021

ABDUL QUDDHOSE, J.

srn

O.P.No.548 of 2021

25.11.2021