



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 01ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.468 of 2021

In the matter of Guardian and Wards
Act, 1890

And

In the matter of appointment of
guardian of minors J.Yuva Shakthi &
J.Keerthana Sree.

Mr.G.Kothandapani,
S/o Late Ganesan
No.33/9, Jaganathan Street,
Agaram, Jawahar Nagar,
Chennai 600 082.

.. Petitioner

Vs.

Mr.M.Boopalan,
S/o Late Mouthan
No.493B, TNHB Colony,
Velachery, Chennai 600 042.

.. Respondent

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

(i) appoint the petitioner Mr.G.Kothandapani as guardian of the
person and property of the minors J.Yuva Shakthi and J.Keerthana Sree.

(ii) permit the petitioner herein as guardian to operate and withdraw
the money from the S.B.A/c. of father and mother of the minors, and deposit
the same in the name of minors, in any Nationalised Bank, and



deposited from the Nationalised Bank and to use the same for the welfare of the minors.

This Original Petition coming on this day before this court for hearing in the presence of Mr.B.Namasivayam, advocate for the petitioner herein and upon reading the petition together with the declaration of willingness of G.Kothandapani, the petitioner herein accepting the office of Guardianship of the person and property of the minor above named filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein, it is ordered as follows:-

That G.Kothandapani, the petitioner herein be and is hereby appointed as the Guardian of the minors VJ.Yuva Shakthi & J.Keerthana Sree and their property morefully setout in the schedule hereunder during their minority or until further orders of this court.

2. That the petitioner herein be and is hereby permitted as Guardian to operate and withdraw the money from the Savings Bank Account of the father and mother of the minors and deposit the same in the name of minors in any Nationalised Bank.

3. That the petitioner/Guardian appointed herein be and is hereby allowed to withdraw the interest of the amount deposited from the Nationalised Bank and to use the same for the welfare of the minors.

4. That the petitioner/Guardian appointed herein be and is hereby 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.

SCHEDULE

Sl. No.	Description of Property	Approximate Value	Person in possession of the property	Minor's Share
1.	S.B.A/c.No.403671868	Rs.14,921/-	Indian Bank, Jawahar Nagar	14,921/-
2	S.B.A/c.No.9175633962	Rs.1,92,003/-	Indian Bank, Jawahar Nagar	1,92,003/-

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 01st DAY OF SEPTEMBER 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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12.10.2021

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O.P. No.468 of 2021

ORDER:-

DATED: 01.09.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 18.10.2021

APPROVED ON : 20.10.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.468 of 2021

Mr.G.Kothandapani,
S/o Late Ganesan

.. Petitioner

Vs.

Mr.M.Boopalan,
S/o Late Mouthan

.. Respondent

Original Petition (O.P) filed under Sections 3, 7, 8, 9, 10 and 29 of the Guardian and Wards Act, 1890 and under Order XXI Rules 2 and 3 of the Original Side Rules of this Court, praying for the following reliefs:

(i) to appoint the petitioner Mr.G.Kothandapani as guardian of the person and property of the minors J.Yuva Shakthi and J.Keerthana Sree.

(ii) to permit the petitioner herein as guardian to operate and withdraw the money from the S.B.A/c. of father and mother of the minors, and deposit the same in the name of minors, in any Nationalised Bank, and

(iii) to allow the petitioner to withdraw the interest of the amount deposited from the Nationalised Bank and to use the same for the welfare of the minors.

For petitioner : Mr.B.Namasivayam

For respondent: Service of notice - completed

ORDER

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This Original Petition is filed praying for the following reliefs:

(i) to appoint the petitioner Mr.G.Kothandapani as guardian of the person and property of the minors J.Yuva Shakthi and J.Keerthana Sree.

(ii) to permit the petitioner herein as guardian to operate and withdraw the money from the S.B.A/c. of father and mother of the minors, and deposit the same in the name of minors, in any Nationalised Bank, and

(iii) to allow the petitioner to withdraw the interest of the amount deposited from the Nationalised Bank and to use the same for the welfare of the minors.

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

(a) Y.Yuva Shakthi is a minor of the age of 14 years and upwards, having been born on 08.04.2007 and is a female, and J.Keerthana Sree is a minor of the age 11 years and upwards, having been born on 07.05.2010 and is a female. Both the minors are by religion a Hindu. The said minors are ordinarily residing at No.33/9, Jaganathan Street, Agaram, Jawahar nagar, Chennai-600 082 and presently is in the care and custody of parental uncle (petitioner herein).

(b) The petitioner is the paternal uncle of the above said minors and



the respondent is the maternal grandfather of the minors. The father of the minors, i.e. G.Janardanan died on 08.08.2019 at the above address. The mother of the minors, i.e. Tmt.J.Arunodaya died on 14.04.2020 in the said address. The father of the said minors was holding S.B.Account No.403671868 in the Indian Bank, Jawahar Nagar Branch, and the mother is holding S.B.A/c.No.917563962 in the Indian Bank, Jawahar Nagar Branch. Both the minors are entitled to claim the deposits of their father and mother.

(c) The only relations of the minors now living, are their paternal, residing at the above address. This petition is filed for appointment of guardian of minors J.Yuva Shakthi and J.Keerthana Sree to claim the S.B.A/c. deposits of their father and mother for the benefit and welfare of the minors. It is stated by the petitioners that it is of utmost necessity to meet the expenses of the minors and the minors' share is sought for their welfare and upliftment and also for educational expenses of the minors.

(d) The minors J.Yuva Shakthi and J.Keerthana Sree are ordinarily residing at the above address, along with the petitioner, within the jurisdiction of this Court.

(e) The paternal grandfather of the minors, i.e. N.Ganesan pre-deceased on 22.08.1996 and the paternal grandmother of the minors, i.e, Tmt.G.Saraswathi pre-deceased on 25.09.2013. The maternal grandmother, i.e. Tmt.Durgabai also pre-deceased. The petitioner is the paternal uncle of



the minors and the respondent is the maternal grandfather of both the minors.

(f) The petitioner further states that no guardian of the person or of the property of the minors, had been appointed by any person, and no application has at any time been made to this or any other Court with respect to the guardianship of the person or property of the minor. Hence, for the above reasons, the petitioner has filed the present petition for the relief stated supra.

3. The petitioner was examined as P.W.1 and marked Exs.P-1 to P-10. Ex.P-1 is the computer generated Birth Certificate of P.W.1's brother's daughter minor J.Yuva Shakthi, who was born on 08.04.2007. Ex.P-2 is the computer generated Birth Certificate of his brother's daughter minor J.Keerthana Sree, who was born on 07.05.2010. Ex.P-3 is the computer generated Death Certificate of the petitioner's brother G.Janardanan, who died on 08.08.2019. Ex.P-4 is the computer generated Death Certificate of his brother's wife J.Arunodaya, who died on 14.04.2020. Ex.P-5 is the computer generated Legal Heirship Certificate, dated 31.12.2019 in respect of the petitioner's brother G.Janardanan. Ex.P-6 is the computer generated Death Certificate of P.W.1's mother G.Saraswathi, who died on 25.09.2013.

Ex.P-7 is the photocopy of the petitioner/P.W.1's Aadhar Card bearing



No.7757 9328 3615. Ex.P-8 is the photocopy of the Savings Bank Account Pass book in Indian Bank, Jawahar Nagar Branch, bearing Account No.403671868 in respect of P.W.1's deceased brother G.Janardanan. Ex.P-9 is the photocopy of the Savings Bank Account Passbook in Indian Bank, Jawahar Nagar Branch, bearing Account No.917563962 in respect of Mrs.Arunodaya. Ex.P-10 is the petitioner's declaration of willingness to accept the office of the guardian of the person and property of the minors J.Yuva Shakthi and J.Keerthana Sree.

4. The respondent was examined as R.W.1. He deposed that he is the maternal grandfather of the minors J.Yuva Shakthi and J.Keerthana Sree. He further adduced evidence to the effect that he is giving his consent and willingness for the petitioner to be appointed as guardian of the said minors and thus, he is having no objection in granting guardianship to the petitioner. Ex.R-1 is the consent affidavit of R.W.1 in that regard.

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 is ordered in the following terms:



property of the minors J.Yuva Shakthi and J.Keerthana Sree.

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(ii) The petitioner is permitted as Guardian to operate and withdraw the money from the Savings Bank Account of the father and mother of the minors and deposit the same in the name of minors in any Nationalised Bank.

(iii) The petitioner is allowed to withdraw the interest of the amount deposited from the Nationalised Bank and to use the same for the welfare of the minors.

(iv) 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.

Sd./-V.P.N.J
01.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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