



O.P.No.519 of 2019

ABDUL QUDDHOSE, J.

This petition has been filed for appointment of the petitioner as a legal guardian for two minor children namely V.Sharmila aged 16 years and V.Raju aged 13 years at the time of filing of this petition.

2. Both the parents of the aforesaid minors died and it is the case of the petitioner that she is the maternal aunt of the minor children and she has been taking care of the minor children ever since the death of both their parents namely V.Sudha and D.Velu @ D.Kanagavelu. The respondents are the father, mother and the brother of the deceased V.Sudha respectively.

3. One of the minor children namely V.Sharmila has now attained majority and therefore, guardianship is not required for her and only in respect of V.Raju, the other minor child who is aged 15 years now, guardianship is required.

4. In the petition, the petitioner has stated that the father of the minor child D.Velu @ D.Kanagavelu has left behind one immovable property and the mother V.Sudha left behind some movable properties.



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5. Before the learned Master, the petitioner P.Poornima Pachayappan was examined as PW1 and in her deposition, she has reiterated the contents of the petition filed in O.P.No.519 of 2019. Through PW1, the following documents were marked as exhibits:

<i>Exhibits</i>	<i>Nature of documents</i>
P1	Photocopy of the death certificate of D.Velu, who died on 16.04.2012
P2	Photocopy of the death certificate of V.Sudha died on 23.07.2018
P3	Computer generated Legal Heirship certificate dated 20.03.2019 in respect of Sudha
P4	Photocopy of the unregistered sale deed dated 24.09.2011 executed in favour of D.Kumaravel
P5	Photocopy of the first page of the Indian Bank Savings Account Passbook bearing account No.6245766574 standing in the name of V.Sudha
P6	Online copy of the pay slip of V.Sudha for the month of February 2017
P7	Print out copy of the E-Pehachan Card for Employee's State Insurance Corporation for late V.Sudha.

6. The respondents have been duly served in this petition. Mr.P.Vivek, learned counsel for the respondents has not raised any serious objection for grant of legal guardianship to the petitioner.

7. As seen from the evidence available on record, it is clear that ever since the death of both the parents of V.Sharmila and V.Raju, the petitioner has been taking care of both the children. Since V.Sharmila has attained the age of majority, the legal guardianship sought for by the petitioner with regard to V.Sharmila has now become unnecessary, but however insofar as V.Raju, the



second child of V.Sudha and D.Velu is concerned, legal guardianship is required.

It is also seen that no objection has been raised by any of the respondents for granting legal guardianship for V.Raju as well as his share in the properties left behind by his parents, in favour of P.Poornima Pachayappan, the maternal aunt of the minor V.Raju .

8. This Court is satisfied with the reasons given by the petitioner for appointing her as legal guardianship for the minor child V.Raju who was born to D.Velu @ D.Kanagavelu & Sudha who are now deceased as seen from their death certificates which have been marked as Ex.P1 & Ex.P2 respectively before the learned Master.

9. For the foregoing reasons, P.Poornima Pachayappa, the petitioner herein is appointed as a legal guardian for the minor child V.Raju as well as his share in the properties left behind by his parents.

10. Accordingly, this original petition is allowed.

08.12.2021

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