



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.709 of 2021

In the matter of Evangelin Olivia
(Minor)

And

In the matter of Guardian and Wards
Act, 1890.

Mrs. Mary Vennet A,
W/o. Arokiadass,
26, Dharmaraja Koil Street,
Sholinganallur,
Chennai - 600 119.

...Petitioner

Original Petition praying that this Hon'ble Court be pleased to appoint the Petitioner herein as the guardian for the person and property of the minor of Olivia Evangelin, Permit the petitioner to receive the terminal benefits on behalf of the minor, Permit the petitioner to deposit the said amount in any nationalized bank in the name of minor and to receive the interest periodically and expend for the welfare of the minor.

This Original Petition coming on this day before this Court for



petitioner herein and upon reading the petition together with the declaration of Willingness of Mrs.Mary Vennet A, the petitioner herein accepting the office of Guardianship of the person and property of the minor above named filed herin and the other Exhibits therein referred to and upon perusing the evidence adduced therein, and it appearing this Court that the petitioner herein being the minor is a fit and proper person to be appointed as guardian, **it is ordered as follows:-**

That Mrs.Mary Vennet A, the petitioner herein be and is hereby appointed as the legal guardian of the minor A.Evangelin Olivia and her property morefully setout in the Schedule hereunder during her minority or until further orders of this Court.

2) That the petitioner / legal guardian appointed herein, be and is hereby permitted to receive the terminal benefits on behalf of the minor A.Evangelin Olivia.

3) That an receipt of the same, the petitioner / legal guardian appointed herein be and is hereby directed to deposit the said amount in a fixed deposit in the name of the minor A.Evangelin Olivia.



4) That the petitioner / legal guardian appointed herein be and is hereby permitted to receive the interest amount periodically arising out of the fixed deposit and spend the same for the welfare of the minor A.Evangelin Olivia.

SCHEDULE

S.No	Description	Approx Value of the Property / Amount of debt	Person in possession / Description
1	All part and parcel of the Land at Chennai south Registration District, Mugalivakkan Village, Sriperumputhur Circle, Kundrathur SRO Kanchipuram District Bearing survey No. 25/2 Part Selvalakshmi Gardens House site No.4 in that sub-divided into two out of measuring 1080 sq.ft. Vacant site 4-B. Bounded on; North by: 24'Road, South by: Site no.5, East by : Site no.4A, West by : Site no.1 With the linear measurement of at North east to west 32" at south - East to West 32' at East north to east 36" At West - North to South 31.6"	50,00,000/-	Petitioner with the minor
2	Terminal Benefits belongs to Mary Lily Grace	10,00,000/-	O/o Accountant General (A&E), LETTER NO.41568/2018 DATED 19/03/2019



S.No	Description	Approx Value of the Property / Amount of debt	Person in possession / Description
3	Employees provident Fund	5,00,000/-	Na.Ka.29637/2020/ Pa1 Dated; 11/06/2021

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 27th DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR(O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ARS
11.02.2022

O.P. No.709 of 2021

ORDER

DATED : 27.01.2022

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 11.02.2022

APPROVED ON : 14.02.2022



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



WEB COPY

This petition has been filed seeking for appointment of the petitioner as the legal guardian for the minor A.Evangelin Olivia, who born on 08.09.2005.

2. The father of the minor A.Evangelin Olivia viz., M.S.Andrew died on 24.04.2014. Thereafter, in a road accident, the minor's mother Mary Lilly Grace died on 22.08.2020.

3. According to the petitioner, she is the sister of late Mary Lilly Grace and eversince her death, she has been taking care of the minor A.Evangelin Olivia with utmost care. In such circumstances, the petitioner has filed this petition seeking for her appointment as the legal guardian for the minor A.Evangelin Olivia.

4. Before the learned Master, the petitioner A.Marry Vennet was examined as a witness (P.W.1). In her deposition, she has reiterated the contents of the petition filed in support of O.P. No.709 of 2021. Through P.W.1, the following documents were marked as Exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P1	Computer generated birth certificate of



<i>Exhibits</i>	<i>Nature of the document</i>
	A.Evangelin Olivia, who was born on 08.09.2005.
Ex.P2	Computer generated death certificate of Mary Lilly Grace, who died on 22.08.2020.
Ex.P3	Computer generated death certificate of M.S.Andrew, who died on 24.04.2014.
Ex.P4	Photocopy of our Family card bearing No.02/G/0161917 for the period of 2005-2009.
Ex.P5	Photocopy of petitioner's Aadhaar card bearing No.9939 3432 6586.
Ex.P6	Computer generated Legal Heirship certificate dated 10.12.2020 in respect of Mary Lilly Grace.
Ex.P7	Downloaded copy of the common order dated 08.03.2019 passed by this Hon'ble High Court in A.Nos.5445 & 5446 of 2018 in O.P. No.599 of 2018.
Ex.P8	Photocopy of the Sale Deed dated 06.09.2002 in favour of Mary Lilly Grace.
Ex.P9	Photocopy of the office memorandum dated 11.06.2021.
Ex.P10	Declaration of willingness.

5. As seen from the evidence available on record, the minor A.Evangelin Olivia was born on 08.09.2005 as evidenced from her birth certificate, which has been marked as Ex.P1. The minor A.Evangelin Olivia's father by name M.S.Andew died on 24.04.2014 as evidenced from his death certificate, which has been marked as Ex.P3. The minor A.Evangelin Olivia's mother by name Mrs.Mary Lilly Grace died on 22.08.2020 as seen



of the petitioner has been marked as Ex.P4. The legal heirship certificate for Mary Lilly Grace dated 10.12.2020 marked as Ex.P6, confirms that the minor A.Evangelin Olivia is her only legal heir. Ex.P7 is the order passed by this Court in A.Nos.5445 & 5446 of 2018 in O.P. No.599 of 2018, wherein this Court has held, even in cases where the minors are ordinarily residing outside the jurisdiction of this Court, this Court exercising powers under Clause 17 of the Letters Patent read with Section 3 of the Guardian and Wards Act is empowered to hear guardianship matters.

6. Ex.P8 is the photocopy of the Sale Deed dated 06.09.2002 standing in the name of late Mary Lilly Grace, the mother of the minor A.Evangelin Olivia. Ex.P9 is the Official Memorandum dated 11.06.2021 issued by the District Collector's Office at Tiruvallur, intimating the petitioner about the entitlement of death benefits for the deceased Mary Lilly Grace, where she was working till the time of her death. Ex.P10 is the declaration of willingness submitted by the petitioner for taking the minor A.Evangelin Olivia as her legal guardian.

7. After giving due consideration to the pleadings and the evidence available on record, this Court is convinced that it will be in the interest of the minor A.Evangelin Olivia, if she is given on legal guardianship to the



petitioner, who is the sister of the late Mary Lilly Grace, the mother of the minor A.Evangelin Olivia.

8. In the result, O.P. No.709 of 2021 is allowed as prayed for and the petitioner is appointed as the legal guardian for the person and property of the minor A.Evangelin Olivia and the petitioner is permitted to receive the terminal benefits on behalf of the minor A.Evangelin Olivia and on receipt of the same, the petitioner is directed to deposit the said amount in a fixed deposit in the name of the minor A.Evangelin Olivia and she is permitted to receive the interest amount periodically arising out of the fixed deposit and spend the same for the welfare of the minor A.Evangelin Olivia.

Sd./-A.Q.J.

27.01.2022

//Certified to be true copy//

Dated at Madras this the

day of

2022.

COURT OFFICER(O.S.)

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