



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 10th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.739 of 2018

In the matter of Guardian and Wards
Act, 1890

and

In the matter of Karthikeyan Minor.

N.S.Thanigaivel, (59 years)
S/o.Late Mr.N.Subramanian,
New No.3, Old No.36/2, Visagathottam,
Saidapet, Chennai 600 015.

.... Petitioner

-VS-

1. T.S.Krishna Kumar, (32 years)
S/o. Mr.T.Sugumaran,
No.19, C.P.N.Subham Avenue,
30 feet Road,
Pozhichalur, Chennai 74.

2. K.P.Tamilalagan (39 Years)
S/o.Mr.Kanchi Paneerselvam,
No.27, Vanavil Nagar, Thenampakkam,
(Opp.to Kanchipuram Collectorate)
Vishnu Kanchi, Kanchipuram-2.

...Respondents

Original Petition praying that this Hon'ble Court may be pleased to
pass a judgment and decree:-

i) Appointing the petitioner as a guardian of the person of the minor

child Karthikeyan.



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This Original Petition coming on this day before this court for hearing in the presence of Mr.Manoj Sreevalsan advocate for the petitioner herein and upon reading the petition together with the declaration of willingness of N.S.Thanigaivel, 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, it is ordered as follows:-

That N.S.Thanigaivel, the petitioner herein be and is hereby appointed as the legal Guardian of the minor S.K.Karthikeyan during his minority or until further orders of this court.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10th 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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10.02.2022

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O.P. No.739 of 2018

ORDER:-

DATED: 10.01.2022

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 14.02.2022

APPROVED ON : 15.02.2022



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Original Petition praying that this Hon'ble Court may be pleased to
pass a judgment and decree:-

- i) Appointing the petitioner as a guardian of the person of the minor
child Karthikeyan.

This Original Petition coming on this day before this Court for



hearing the Court made the following orders:-

This petition has been filed under Sections 3, 7 to 10 of the Guardian and Wards Act, 1890 read with Order XXI Rules 2 and 3 of O.S.Rules, seeking for appointment of the petitioner, as the legal guardian for the minor child, by name, S.K.Karthikeyan.

2. The minor child, S.K.Karthikeyan was born out of the wedlock between the petitioner's daughter, viz., T.Vijayalakshmi and T.S.Krishna Kumar, the first respondent herein. The marriage ended in divorce, by a Judgment and Decree dated 01.10.2015 passed in O.P.No.842 of 2015. After the divorce, the petitioner's daughter, T.Vijayalakshmi was having custody of the minor child, S.K.Karthikeyan. Thereafter, she re-married the second respondent, K.P.Tamilalagan. T.Vijayalakshmi died thereafter on 25.01.2017 and ever since her death, the custody of the minor child, S.K.Karthikeyan is only with the petitioner, who is his maternal grand father, (i.e) the father of T.Vijayalakshmi. In such circumstances, the petitioner has filed this petition seeking for his appointment as the legal guardian for the minor child, S.K.Karthikeyan.

3. Before the learned Master, the petitioner has been examined as a witness (P.W.1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.739 of 2018. Through P.W1, the



following documents were marked as Exhibits.

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<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Marriage Invitation Card of the deceased Vijayalakshmi and the first respondent.
P2	Original Birth Certificate of minor S.K.Karthikeyan, who was born on 20.12.2009.
P3	Photocopy of the order dated 01.10.2015 passed in O.P.No.842 of 2015 by the III Additional Family Court, Chennai.
P4	Photocopy of the Marriage Certificate of the deceased Vijayalakshmi with the second respondent dated 10.02.2016.
P5	Photocopy of the death certificate of T.Vijayalakshmi, who died on 25.01.2017.
P6	Photocopies of the Insurance Policies taken in the name of minor S.K.Karthikeyan.
P7	Photocopy of petitioner's Family Card
P8	Photocopy of the School receipts of minor, S.K.Karthikeyan.
P9	Photocopy of the front page of SBI joint account passbook bearing Account No.36987365418 standing in the name of minor S.K.Karthikeyan and N.S.Thanigaivel.

4. The petitioner's daughter, T.Vijayalakshmi, the mother of the minor child, S.K.Karthikeyan, died on 25.01.2017, as seen from her death certificate, which has been marked as Ex.P5. The Insurance policies taken in the name of minor child, S.K.Karthikeyan, which has been marked as Ex.P6 also confirms that minor S.K.Karthikeyan was born to T.Vijayalakshmi and the first respondent. The original Birth Certificate of the minor child, S.K.Karthikeyan, which has been marked as Ex.P2 also confirms that he was born on 20.12.2009 to T.Vijayalakshmi and the first respondent, T.S.Krishna Kumar. The Family Card, which has been marked



as Ex.P7 also confirms that minor child, S.K.Karthikeyan, is living along with the petitioner, who is his maternal grand father. The School Receipts for payment of fees, which have marked as Ex.P8, confirms that the minor child is studying in Velammal School. The order passed by the III Additional Family Court, Chennai dated 01.10.2015 in O.P.No.842 of 2015, which has been marked as Ex.P3, also confirms the divorce between T.Vijayalakshmi and the first respondent, T.S.Krishna Kumar.

5. After giving due consideration to the pleadings and the evidence available on record, this Court is convinced that the minor child, S.K.Karthikeyan, has been in the custody of the petitioner, who is his maternal grand father, even since the death of T.Vijayalakshmi, who died on 25.01.2017 and who is the daughter of the petitioner.

6. Accordingly, O.P.No.739 of 2018 is allowed as prayed for, by appointing the petitioner as the legal guardian for the minor child, S.K.Karthikeyan.

Sd./-A.Q.J
10.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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