



O.P.No.710 of 2021

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ABDUL QUDDHOSE, J.

This petition has been filed seeking for appointment of the petitioner as the legal guardian for the minor children viz., P.Vignesh aged 17 years and P.Pavithara aged 12 years. The petitioner has also sought permission of this Court to contest the partition suit on behalf of the minor children which is pending on the file of this Court in CS.No.215 of 2021.

2. The father of the minor children viz., Palani died on 07.05.2021 and the mother of the minor children viz., P.Vijayalakshmi died on 01.05.2021. The petitioner is the paternal uncle of the minor children in whose custody the minors are.

3. Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.710 of 2021. Through PW1, the following documents were marked as exhibits:



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<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Computer generated birth certificate of P.Vignesh who was born on 24.12.2004
P2	Computer generated birth certificate of P.Pavithara who was born on 26.07.2009
P3	Computer generated death certificate of P.Vijayalakshmi who died on 01.05.2021
P4	Computer generated death certificate of Palani who died on 07.05.2021
P5	Computer generated death certificate of A.Sri Raman who died on 11.06.2003
P6	Computer generated death certificate of Valli who died on 21.11.1999
P7	Photocopy of the legal heirship certificate dated 13.08.2003 in respect of A.Sri Raman
P8	Photocopy of the Aadhaar card of S.Palani bearing No.9637 1031 8004
P9	Photocopy of the petitioner's Aadhaar card bearing No.6242 2587 3271
P10	Photocopies of the Aadhaar cards of the minors
P11	Declaration of willingness of the petitioner.

4. As seen from the evidence available on record, Palani, the father of the minor children died on 07.05.2021 as seen from his death certificate which has been marked as Ex.P4 and P.Vijayalakshmi, the mother of the minor children died on 01.05.2021 as seen from her death certificate which



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has been marked as Ex.P3. The date of birth of the minor P.Vignesh is 24.12.2004 as evidenced by his birth certificate which has been marked as Ex.P1. The minor girl P.Pavithara was born on 26.07.2009 as evidenced by her birth certificate which has been marked as Ex.P2. The minors paternal grand parents are also dead as seen from the death certificate of A.Sri Raman who died on 11.06.2003 which has been marked as Ex.P5 and from the death certificate of Valli who died on 21.11.1999 which has been marked as Ex.P6. Legal heirship certificate of A.Sri Raman, the paternal grandfather of the minors has also been marked as Ex.P7 which reveals that apart from the petitioner, the minors are having two other paternal uncles and one paternal aunt. The Aadhaar card of the deceased S.Palani which has been marked as Ex.P8 and the Aadhaar card of the petitioner which has been marked as Ex.P9 reveal that the both of them were living together till the death of S.Palani. As seen from the evidence recorded before the learned Master, the minors continue to remain in the same address and are in the custody of the petitioner who is one of their paternal uncles. The Aadhaar of the minors have also been marked as Ex.P10 which shall confirm the said statement. The petitioner has also submitted his declaration that he is willing



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to be a legal guardian for the minors and his declaration of willingness has been marked as Ex.P11.

5. After giving due consideration to the pleadings as well as the evidence available on record, this Court is inclined to appoint the petitioner as the guardian of the minors namely P.Vignesh aged 17 years and P.Pavithara aged 12 years and their properties, till they attain majority.

6. Insofar as the second prayer sought for in this petition namely to contest the partition suit filed before the Court in CS.No.215 of 2021 on behalf of the minors is concerned, it is open for the petitioner to approach the Court where the suit is pending and seek permission to contest the suit on behalf of the minors based on the orders passed by this Court today, declaring the petitioner as the legal guardian for the minors P.Vignesh aged 17 years and minor P.Pavithara aged 12 years.

7. In view of the aforementioned directions, this Original Petition is disposed of.

07.01.2022

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