



O.P.No.574 of 2022

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C.V.KARTHIKEYAN, J.

This original petition has been filed taking advantage of Sections 3, 7, 8, 9, 10 & 29 of the Guardians and Ward Act, 1890 read with Order XXI Rules 2 and 3 of the Original Side Rules of Madras High Court, by the paternal grandmother of K.Mithraa, who was born on 26.11.2011. The parents of the minor child, M.Karthikeyan and Lakshmi Priya and also the elder sister K.Hasini all died in a motor accident accident on 23.05.2022. The petitioner is the only surviving heir with a right to look after the minor child.

2.In her chief, the petitioner also specifically stated that the father of her daughter-in-law, Nandakumar died due to liver disease, when her daughter-in-law was nearly about 12 or 13 years and her mother, Manjula died in the car accident along with her daughter.

3.In the petition, she had stated that she is in good circumstances, having a family income of Rs.3,00,000/- and had undertaken to act as guardian of the minor child and had also stated that she does not have any adverse interest as against the minor child.



4.The petitioner was invited to adduce evidence and accordingly she examined herself as PW-1. She filed her proof affidavit. The death certificates of her son M.Karthikeyan and daughter-in-law, Lakshmi Priya were marked as Exs.P1 and P2 respectively. The death certificate of her another grand daughter, Hasini was marked as Ex.P3. The legal heirship certificate of M.Karthikeyan was marked as Ex.P4. The birth certificate of the minor child K.Mithraa for whom guardianship is now sought was marked as Ex.P5. Ex.P6 is the copy of the Sale Deed dated 04.09.2020 of a property purchased by M.Karthikeyan, the son of the petitioner, which property is situated at Thirunavukarasu Nagar, Gidangal, Tindivanam in S.Nos.298/2 and 298/1. They are plots of land. It would only be advisable that the petitioner manages the said property to the advantage of the minor and if ever any necessity arises to deal with the property, she cannot do so, except with specific permission from either of this Court or the District Court, Villupuram. The petitioner had also filed declaration of willingness to accept the office of grant of the person and property of minor K.Mithraa. That declaration was marked as Ex.P12.



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5. In view of the evidence adduced, this Original Petition stands allowed. The petitioner is appointed as the guardian of the property and personal effects of the minor K.Mithraa who was born on 26.02.2011. The petitioner is also directed to have custody of the child and retain such custody.

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