

**O.P.No.101 of 2022****C.V.KARTHIKEYAN, J.,**

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This Petition has been filed taking advantage of Sections 3, 7 and 10 and also under Sections 25 and 29 of the Guardian and Wards Act, 1890 and the relevant provision of the Original Side Rules seeking the petitioner to be appointed as guardian relating to the person and the properties of the two minor children, N.Srивarsa, born 19.06.2006 and N.Dharsini, born on 18.08.2008. The petitioner is the maternal grandmother of the two minor children.

2. The parents of the minor children, S.Neethirajan and N.Bharathi, met with an accident on 06.03.2020 and unfortunately died leaving behind the two minor children. It had been stated in the Petition that thereafter, the petitioner and her husband had been taking care of the minors.

3. The paternal grandmother of the minors had also filed two MCOP cases bearing Nos. 2335 & 2336 of 2020 seeking compensation for the death which occurred owing to the accident on 06.03.2020 and it is stated that the said Petitions are still pending before the Chief Court of Small Causes, Chennai.



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4. The notice could not be served on the respondent and as a matter of fact, publication had to be effected. The respondent did not respond. Thereafter, on 21.04.2022, a learned Single Judge of this Court had directed evidence to be recorded. Accordingly, the petitioner examined herself as PW-1. The deposit receipts in Indian Overseas Bank and in Tamilnadu Grama Bank, Prumbakkam Branch and in Medavakkam Urban Co-operative Credit Society in the name of her daughter N.Bharathi and her son-in-law Neethirajan were marked as Exs.P-1 to P-5. A copy of the LIC Policy was marked as Ex.P-11 and copy of the post office passbook of N.Srиварса and the copy of the post office passbook of N.Dharsini were marked as Exs.P-11 to P-13. The first information report registered relating to the accident was marked as Ex.P-14. The death certificate of Neethirajan and Bharathi, the parents of the minor children were marked as Exs.P-15 and P-16. The legal heir certificate of Neethirajan were marked as Ex.P-17. The minor daughters are respectively studying in C.S.I. Anderson Day Girls' Hr. Sec. School and in St. Francis Xavier's A.I. Hr. Sec. School at Broadway.

5. In view of the fact that the respondent did not respond to the notice issued, paper publications had to be effected. To take a



decision with respect to appointing the petitioner as a guardian of minors, this Court had requested the learned counsel Mr.R.Thanjan, to be present along with petitioner and her husband and also the two minor children.

6. I had a discussion with the petitioner and her husband. The petitioner has a house at Villivakkam but is staying at Broadway and the school of the two minor children are close by. The husband of the petitioner has a grocery shop in Broadway. Again it is close to the school where the two minor children are studying. The paternal grandmother / the respondent is residing at Medavakam. It may not be appropriate at this stage, particularly since N.Srиварsa is studying in 12th standard and N.Dharsini is studying in 9th standard, for them to be shifted to a longer distance from the School in which they are studying. Till the completion of their studies, it would only be appropriate that they reside with the petitioner herein in Broadway. This would facilitate their education also.

7. I am also informed that the paternal grandfather has also expired and the respondent is a housewife and is living alone. Both the minor children stated that they are visiting the respondent/paternal grandmother at regular intervals and they also assured that they would take care of her when she attains advanced age requiring assistance and help.



8. I am confident that they would prove to be an effective and better substitute of their father, who would otherwise have taken care of the respondent, his mother. The children also stated that they were comfortable in the house of the petitioner herein. The petitioner also assured that she would bestow all care and affection to the children and take care of their welfare.

9. With respect to the two MCOP cases, which are pending and mentioned aforesaid, the compensation granted to the minor children would be deposited in Nationalised Bank and I am confident that the Chief Judge, Court of Small Causes, would pass suitable orders in that regard.

10. In view of the aforesaid reasons and particularly being satisfied that the welfare of the children would be taken care if they are in the custody of the petitioner, the petitioner is appointed as their guardian.

11. The petitioner / paternal grandmother of the two children is appointed as guardian of the property and personal effect of the two minor children N.Srivarasa and N.Dharsini. This order shall be remain in force till they attain the age of majority / 18 years.

12. This Petition stands allowed.

Vsg

12.10.2022



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