



O.P.No.100 of 2022

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KRISHNAN RAMASAMY.J.,

This Original Petition is filed praying for the following relief:

(i) to appoint Mrs.M.Fairoz Hussain, the petitioner herein as the guardian of the person of the minor child Viz., M.Saif Mohamed Azman.

2.The case of the petitioner as culled out from the petition is as follows:

(a)According to the petitioner, her husband namely Mr.R.Moulana Hussain Ali, who is the natural guardian had passed away on 30.08.2021, due to Covid -19. Thereafter, their minor child namely M.Saif Mohamed Azman, is now living with the petitioner/mother at no.34/5-107/5, Medavakkam Tank Road, Kilpauk, Chennai-10, which is well within the jurisdiction of this Court.

(b)The petitioner further states that her husband pledged the petitioner's jewels, with the South Indian Bank Ltd, Kellys, Chennai and



O.P.No.100 of 2022

obtained four jewel loans, which were given as MAHAR to the petitioner at the time of her marriage. The said loans were already closed as detailed in the schedule hereunder. But due to Covid 19 Pandemic, the petitioner could not visit the Bank and to take back her jewels. But when the petitioner approached the Bank for redeeming the jewels after restoration of normalcy, the officials of the Bank required Court order for appointment of the petitioner as the natural guardian for her minor child namely M.Saif Mohamed Azman. Further more, for the purpose of providing education, care and custody of minor child, a guardian has to be appointed by this Court. Since the petitioner is now taking care of the minor child as mother, she is willing to be appointed as the guardian of the minor child namely M.Saif Mohamed Azman. Further, the petitioner has stated that she can provide the best amenities to the minor child as the natural guardian. Therefore, the petitioner seeks to grant permission to appoint/declare her as the guardian of person of the minor child.

3.In order to prove her case, the petitioner was examined as P.W.1 and marked Exs.P-1 to P-8. Ex.P1 is the computer generated death



O.P.No.100 of 2022

certificate of M.Rashed Mohamed. Ex.P2 is the computer generated death certificate of R.Moulana Hussain Ali. Ex.P3 is the computer generated Legal Heirship certificate in respect of R.Moulana Hussain Ali. Ex.P4 is the computer generated Bank statement dated 16.02.2021 issued by the South Indian Bank Limited, Kellys Branch, Chennai, certified by the Bank. Ex.P5 is the photocopy of the petitioner's Adhaar card. Ex.P6 is the photocopy of the Adhaar card of minor. Ex.P7 is the computer generated birth certificate of M.Saif Mohamed Azman. Ex.P8 is the petitioner's declaration of willingness to accept the Office of the guardianship of the person in respect of the petitioner's minor son.

4. Considering the oral and documentary evidence and the materials placed on record, this Court is satisfied that the petitioner is entitled to succeed in this Original Petition. Accordingly, this Original Petition is ordered in the following terms:

(i) The petitioner is hereby appointed as Guardian of the person of the minor M.Saif Mohamed Azman.



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O.P.No.100 of 2022

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(ii) The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.-II), High Court, Madras.

29.07.2022

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O.P.No.100 of 2022