



O.P.No.12 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Original Petition No.12 of 2020

Mrs.Latha Seetharaaman
Petitioner

...

vs.

1. Mrs.Jayalakshmi Krishnan
2.Mrs.Shanthi Shankar

... Respondents

Prayer: The Original Petition filed under Sections 3, 7 to 10 and 25 and 29 of the Guardians and Wards Act, 1980 read with Order 21 Rules 2 and 3 of the Original Side Rules, seeking to declare the petitioner Latha Seetharaaman as the legal guardian of the person and property of viz., minor child Master Pranav Seetharaaman and to grant legal custody of the minor to the petitioner.

For Petitioner : Mr.D.Balaraman

For R2 : Mr.R.Krishna



O.P.No.12 of 2020

ORDER

WEB COPY

This Original Petition has been filed taking advantage of Sections 3, 7 to 10 and 25 and 29 of the Guardians and Wards Act, 1890 read with relevant rules of the Original Side of the Madras High Court, seeking custody and guardianship of the minor child/Master Pranav Seetharaaman, who was born on 04.10.2011.

2. The father of the child S.K.Seetharaaman, had actually married as his first wife Mrs.Usha Seetharaaman on 10.09.2000. The 2nd respondent, Mrs.Shanthi Shankar is the sister of Mrs.Usha Seetharaaman. There are no children born to S.K.Seetharaaman and Mrs.Usha Seetharaaman. Thereafter, after following due procedure and after filing necessary application before the Principal District Court at Wardha, pursuant to order dated 06.11.2012, they had adopted the child Master Pranav Seetharaaman. Incidentally, the 2nd respondent was also the witness to the said adoption.

3. Mrs.Usha Seetharaaman unfortunately died on 29.04.2013 and S.K.Seetharaaman, died intestate on 26.11.2018. However, before his death



O.P.No.12 of 2020

and after the death of his first wife, he had married the petitioner herein on 22.03.2015 and the marriage was also registered in the Hindu Marriage Registry, before the Joint-I, Sub Registrar Office at Chennai Central.

4. In the petition, it has been very specifically stated that it was the will of S.K.Seetharaaman that the petitioner herein should continue to be the guardian of the minor child and also retain the custody.

5. The 1st respondent is the mother-in-law of the petitioner/mother of S.K.Seetharaaman.

6. It must be mentioned that pending these proceedings, on 21.10.2021 she also died.

7. A memo to that effect had been filed by the learned counsel for the petitioner and the same is taken on record.

8. After following due procedure, the petitioner was directed to tender evidence and accordingly, the petitioner examined herself as P.W.1. The order granting adoption of the minor child was marked as Ex.P1 and



O.P.No.12 of 2020

the Death Certificate of the first wife/Usha Seetharaaman was marked as Ex.P2. The extract of Marriage Register signifying the marriage between the petitioner and S.K.Seetharaaman was marked as Ex.P3 and the Death Certificate of S.K.Seetharaaman was marked as Ex.P4 and the Legal Heirship Certificate of S.K.Seetharaaman was marked as Ex.P5.

9. The petitioner is employed as Assistant Manager/CPS-Sundaram Finance Holdings and she has produced Ex.P6, which is a generated Salary Slip. The document reflects that she is drawing a salary of nearly Rs.30,000/-. It has been very specifically vouched by her that she should have the custody of the minor child and that, she would act as his guardian and would not act in any manner adverse to his interest or in conflict to his interest.

10. The 2nd respondent had also filed an affidavit granting consent for the petitioner to be the guardian of the minor child and to retain the custody of the minor child. The Birth Certificate of the minor child had been marked as Ex.P8. He was born on 04.10.2011.



O.P.No.12 of 2020

11. In view of the evidence produced, the Original Petition stands allowed and the petitioner is declared to be the guardian of the minor child, Master Pranav Seetharaaman and retain custody of the minor child.

12. The learned counsel for the petitioner to carry out necessary amendment in the Original Petition indicating the death of the 1st respondent. The order copy to be issued after such amendment is carried out and incorporating such amendment in the cause title.

04.11.2022

Index:Yes/No
Speaking Order : Yes/No
ssi

C.V.KARTHIKEYAN,J.



WEB COPY



O.P.No.12 of 2020

ssi

O.P.No.12 of 2020

04.11.2022