



O.P.No.54 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.54 of 2023

P.D.Rukmani

... Petitioner

PRAYER: Original Petition filed under Sections 3, 7 to 10 of the Guardians and Wards Act, 1890 and read with Order XXI Rule 2 & 3 of Original Side Rules praying for:

(a)Declare and appoint the petitioner P.D.Rukmani wife of P.D.Dharma as the fit and proper person to be the guardian of the person and properties of the above named minor N.Pavithra till the minor attains majority and permit the petitioner to manage the minor's property as mentioned in the schedule.

(b)pass such or other orders as this Hon'ble Court may deem fit and thus render justice.

For Petitioner : Mr.R.Rajesh

ORDER



O.P.No.54 of 2023

The petitioner has applied for permission to appoint the petitioner as the fit and proper person to be the guardian of the person and properties of the minor N.Pavithra.

2. The petitioner states that the parents of the minor, viz., the mother Lakshmi died on 25.01.2018 and father D.Nagabushnam died on 04.07.2019. Both the paternal and maternal grandparents of the minor is also deceased. The petitioner is the eldest paternal aunt of the minor. The minor is under the care and custody of the petitioner herein. The petitioner further states that the father and paternal grandmother of the minor has executed Wills dated 10.09.2018 and 31.08.2018 respectively registered as Doc.No.88 of 2018 and Doc.No.80 of 2018 on the file of the Joint-II Sub-Registrar, Arakkonam in favour of the minor. The petitioner has been appointed as a guardian to the minor in the recitals of both the Wills. The properties set out in the Wills are in the possession of the petitioner and the minor.

3. The petitioner adduced evidence by examining herself as P.W.1. The 11 documents listed at the foot of this order were exhibited in course of examination-in-chief. The death certificates of the minor's parents (Exs.P4



O.P.No.54 of 2023

and P6) discloses that they died on 25.01.2018 and 04.07.2019 respectively.

The legal heirship certificate in respect of Lakshmi and D.Nagabushanam (Exs.P5 and P7) discloses the name of the minor child as the legal heir of Lakshmi and D.Nagabhushanam. The birth certificate of N.Pavithra (Ex.P1) discloses that she was born on 13.01.2010. Both the death certificates specify the name of the mother as Lakshmi and that of the father as D.Nagabhushnam. The aadhaar Cards of the petitioner and the minor child have been placed on record as proof of identity. The petitioner has provided the declaration of willingness to be the guardian (Ex.P11).

4. Based on the evidence adduced by the petitioner, the petitioner is entitled to succeed.

5. Therefore, O.P.No.54 of 2023 is allowed on the following terms:

(i) the petitioner is appointed as the guardian of the person and properties of the minor, N.Pavithra.

(ii) the petitioner is permitted to manage the minor's property as mentioned in the schedule, till the minor attains the age of majority.



O.P.No.54 of 2023

WEB COPY

(iii) The income incurred from the properties described in the schedule to the petition shall be deposited in a fixed deposit in the name of the minor in a nationalized bank. Such fixed deposit shall be kept renewed until the minor attains the age of majority.

(iv) upon completing the aforesaid, the petitioner shall file an affidavit of compliance in the Registry.

19.04.2023

gba

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.P.D.Rukmani

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of N.Pavithra
Ex.P2	Photocopy of the unestimated Will and Testament dated 10.09.2018 executed by Mr.D.Nagabushnam
Ex.P3	Photocopy of the unestimated Will and Testament dated



O.P.No.54 of 2023

<i>Exhibits</i>	<i>Documents</i>
	31.08.2018 executed by Mrs.D.Savithri Ammal
Ex.P4	Computer generated death certificate of Mrs.Lakshmi
Ex.P5	Computer generated legal heir certificate of Mrs.Lakshmi
Ex.P6	Computer generated death certificate of Mr.Nagabushnam
Ex.P7	Computer generated legal heir certificate of Mr.Nagabushnam
Ex.P8	Computer generated death certificate of Mrs.Savithri
Ex.P9	Photocopy of the petitioner's Aadhar card
Ex.P10	Photocopy of the Aadhar card of the minor N.PAvithr
Ex.P11	Declaration of petitioner's willingness

19.04.2023

gba



WEB COPY



O.P.No.54 of 2023

K.KUMARESH BABU,J.

gba

O.P.No.54 of 2023

19.04.2023