



O.P.No.213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.07.2023**

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**  
**O.P.No.213 of 2023**

1.Mrs.Sheela  
2.Mr.Suresh Kumar Jain

... Petitioners

Navneet Surana

... Respondent

**PRAYER:** Original Petition filed under Section 3,7,8,9,10 of the Guardians and Ward Act, 1890 r/w. Order XXI Rule 2 and 3 of Original Side Rules, to appoint the petitioners as the joint guardians of the person of the minor Kunal Surana.

For Petitioners : Ms.L.Sweety

For Respondent : No appearance

**ORDER**

This Original Petition has been filed to appoint the petitioners as the joint guardians of the person of the minor Kunal Surana who is 9 years old.

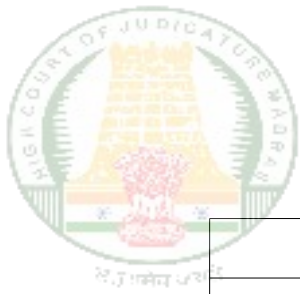


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2. The minor child Kunal Surana was born on 26.10.2013 and he is now aged about 9 years. The second petitioner is the maternal uncle of the minor child. The first petitioner is the wife of the second petitioner. The respondent is the father of the minor child. The mother of the minor child died on 27.10.2013 immediately after the birth of the minor child Kunal Surana. From then onwards, the minor child is under the care and custody of his maternal uncle and living along with his grand parents at No.13/7, Krishnappa Street, Chintadripet, Chennai.

3. The second petitioner examined himself as PW.1 and Ex.P1 to Ex.P8 were marked through him and they are listed as hereunder:

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                    |
|------------------------|------------------------------------------------------------|
| Ex.P1                  | the photocopy of the Aadhar Card of the 1st petitioner.    |
| Ex.P2                  | the photocopy of the Aadhar Card of the second petitioner. |
| Ex.P3                  | the photocopy of the birth certificate of Kunal Surana.    |
| Ex.P4                  | the photocopy of the Aadhar Card of minor Kunal Surana.    |
| Ex.P5                  | the photocopy of the death certificate of Pinky Surana.    |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                          |
|------------------------|------------------------------------------------------------------|
| Ex.P6                  | the photocopy of the School Identity Card of minor Kunal Surana. |
| Ex.P7                  | the declaration of willingness.                                  |
| Ex.P8                  | the consent affidavit of the respondent.                         |

4. The respondent who is the natural guardian of the minor son himself has given a consent affidavit which has been marked as Ex.P8 and in which, he has stated that his minor son Kunal Surana is under the care and custody of his maternal uncle and he is being taken care of by them affectionately. From the Birth Certificate of the minor child which is marked as exhibit P3, it is seen that the minor child was born on 26.10.2013. Unfortunately, his mother died on the next day itself by leaving the infant at the hands of the petitioners. Having realised that the minor son was brought up by the petitioners and to the knowledge of the minor, the petitioners are seen his parents, the respondent does not have any objection to appoint them as guardian of the minor child Kunal Surana.

5. The minor child is admitted in a school by name Sri JT Surana Jain Vidyalaya, Chennai and his School Identity Card has been produced as



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Ex.P6. The death certificate of Pinky Surana who is the mother of the minor child, was also produced as Ex.P5. The petitioners had given declaration of willingness to act as a guardian for the minor child. The second petitioner is wealthy enough to take care of the minor child and to meet out his personal and educational expenses.

6. Taking into consideration all these factors and also the welfare of the minor child, this Original Petition is allowed and the petitioners are appointed as guardians of the minor child Kunal Surana who is 9 years old.

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Index :Yes/No  
gsk



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**R.N.MANJULA, J.**

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