



O.P.No.496 of 2023

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N.SATHISH KUMAR, J

This Petition has been filed under Sections 3, 7, 8, 9, 10 and 25 of the Guardians and Wards Act, 1980 read with Order XXI Rule 2 and 3 of Original Side Rules and Clause XVII of Letters Patent, to grant permanent custody of her minor son named Arhaan Mohammed Shareef, aged about 9 years to the petitioner and also to appoint the petitioner as legal guardian of the minor named Arhaan Mohammed Shareef,

2. It is the case of the petitioner that the marriage between the petitioner and the respondent was held on 08.07.2012 as per Muslim rites and the same was registered on the file of Sub-Registrar, Pallavaram on 26.10.2012, after the marriage, the respondent left for Duibai. It is the further case of the petitioner that out of the wedlock between the petitioner and respondent, a male child was born on 28.05.2014 and the petitioner was all along with the child. Since there was difference of opinion between the petitioner and her husband (respondent), they were living separately from 01.02.2017. Thereafter, it was mutually agreed between the petitioner and the respondent to have divorce as per their Muslim rites based on which the respondent filed a suit in O.S.No.226 of



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2019 on the file of District Munsif-cum-Judicial Magistrate, Madhavaram seeking declaration of Khula as valid and obtained a decree of divorce. The petitioner further states the petitioner is having the custody of the minor child and since the respondent is disturbing the peaceful custody of the minor child, the petitioner has come with the present petition seeking permanent custody of the minor child.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz.,

Exs.P1 to P7:

Ex.P1 – Original marriage invitation card.

Ex.P2 – Photocopy of Aadhaar Card of the petitioner

Ex-P3- Photocopy of Aadhaar Card of Minor Arhaan
M Shareef

Ex.P4 – Photocopy of Khula (Divorce) Nama dated
17.11.2018

Ex.P5 – Certified copy of the order passed in
O.S.No.226 of 2019 dated 23.11.2020 by the District
Munsif-cum-Judicial Magistrate, Madhavaram



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Ex.P6 – Bonafied Certificate of Minor Arhaan

WEB COPY Mohammed Shareef dated 07.09.2022 issued by Baalyaa School, Keelkattalai, Chennai – 600 117.

Ex.P7 is my declaration of Willingness to accept the office of the guardian of the person of minor Arhaan Mohammed Shareef.

4. The petitioner has also stated that she has not filed any other petition before any other Court seeking the same relief.

5. Despite service of notice and the name of the respondent having been printed in the cause list, none appears on behalf of the respondent.

6. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that since the child was under the care and custody of the petitioner from the beginning and the respondent was in Dubai, it will be in the best interest of the minor to have the mother as a guardian as the marriage between the petitioner and her husband has already been dissolved by way of divorce through Court.



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7.In the result, this petition is ordered, by appointing the petitioner

as the Guardian of the person of the minor Arhaan Mohammed Shareef.

The petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

04.10.2023

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