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O.P.No.495 of 2021

N.SATHISH KUMAR, J.

This Original Petition is filed under section 7 of the Guardians and Wards Act 1890 read with Order XXI Rule 2 and 3 of O.S. Rules read with Clause 17 of the Letters Patent seeking appointment of the petitioners as the Guardian of the minor Sunaina Manikantan

2. The minor was born to the second petitioner through her erstwhile husband/respondent. The marriage of the second petitioner and the respondent was dissolved by a decree of divorce on 21.01.2019 in O.P.No.395 of 2016 on the file of the Family Court, Madurai. The first petitioner has also obtained divorce from his erstwhile wife in the year 2017. Thereafter, both the petitioners married on 25.01.2019 and the minor child is looked after by both the petitioners. Now, in the interest of the minor, they seek an Order to declare the petitioners as legal guardian of the minor Sunaina Manikantan.

3. Notice to the respondent, has been returned as door locked.

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4. The petitioners were examined as P.W.1 and P.W.2. and Ex.P.1 to P.5 were marked. P.W.1 and P.W.2 have stated in their evidence about their relationship, their marriage and their earlier divorce of their respective spoused. Ex.P.2 is the birth certificate of the Minor Sunaina Manikandan. Ex.P.2 has been filed to show that the Minor Sunaina Manikandan was born on 10.11.2014. Ex.P.3 series are copy of the admission card and fee receipts of the minor Sunaina Manikandan. Ex.P.3 series have been filed to show that the minor has been admitted in school and fees have been paid to the minor. Ex.P.4 is the copy of the Order dated 09.12.2017 in O.P.No.1968 of 2017 on the file of the IV Additional Principal Judge, Family Court, Chennai. Ex.P.4 has been filed to show that the first petitioner has obtained divorce from his erstwhile wife by mutual consent. Ex.P.5 is the copy of the Order dated 21.01.2009 passed in H.M.O.P.No.395 of 2016 on the file of the Family Court, Madurai. Ex.P.5 has been filed to show that the second petitioner has obtained divorce from the respondent on 21.01.2009. As the minor Sunaina Manikandan is under the care and custody of the petitioners and they have married each other and considering the fact that the minor Sunaina Manikandan is under the care and custody of the petitioners, the petitioners have to be appointed for the welfare of the minor.

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5. In view of the above, this petition is ordered, appointing the petitioners as Guardians of the person of the minor Sunaina Manikantan The petitioners shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

1912.2023

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Date : 19.12.2023

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