



WEB COPY



O.P.No.786 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.786 of 2022

Sivarama Krishnan

... Petitioner

PRAYER: Original Petition filed under Sections 3,7 to 10 and 29 of Guardian & Wards Act 1890 R/W Order XXI Rules 2 & 3 of O.S Rules seeking to declare/appoint the petitioner to be the guardian of the person and property named minors Meganna and Megasvana; b) that the guardian may be at liberty to raise the said sum of Rs.10,00,000/- by a mortgage of item Nos.1,2 and 3 of the schedule hereto upon interest at the rate of 12% per annum, and to apply the said sum for purposes mentioned in paragraph 9 hereof, if necessary; (c) permit the petitioner to receive the assets mentioned in S.L., No.4., to 25 of schedule on behalf of minors and to deposit the same in the name of minors in any nationalized bank; (d) that the sum of Rs.3,00,000/- maximum/annum may be fixed for the maintenance and education of the minors; d) that the sum of Rs.25,000/- a month may be allowed to the said guardian as his remuneration, however the petitioner need to avail facility as he guardian obligation; (f) that the said guardian may be at liberty to invest any balance of the net income of the minors, after payment of the said sums and the costs of this application incurred.



O.P.No.786 of 2022

For Petitioner : Mr.G.Thyagarajan

ORDER

WEB COPY

The petitioner has applied for permission to appoint him as the guardian to the person and property of the minors R.Meganna and R.Megasvana.

2.The petitioner states that the mother namely, Saradambal died on 30.08.2016 and the father R.Ramanathan died on 20.04.2021, leaving behind the above mentioned minors. The petitioner is the paternal uncle of the minors. Both the paternal and maternal grandparents of the minors is also deceased. The petitioner is the only paternal relation living now. The minors are in the care and custody of the petitioner herein. The petitioner further states that the minors are entitled to three immovable properties set out in the schedule to the petition, and are also entitled to the funds released by Tamil Nadu Electricity Board Worker's Cooperative Benefit society as the mother of the minors worked as a staff there. The petitioner further states that the Items No. one to three mentioned in the schedule are in a dilapidated condition and the same has to be repaired, for which the properties has to be mortgaged at a interest rate of 12% per annum.



O.P.No.786 of 2022

3. The petitioner adduced evidence by examining himself as P.W.1.

The 42 documents listed at the foot of this order were exhibited in course of examination-in-chief. The death certificates of the parents of the minors (Exs.P7 and P8) discloses that they died on 30.08.2016 and 20.04.2021 respectively. The legal heirship certificate in respect of Saradambal (Ex.P9) discloses the names of the two minor children as the legal heirs of Saradambal. The birth certificates of R.Megasvana and R.Meganna (Exs.P1 and P2) discloses that the twins were born on 10.03.2009. The birth certificates specify the name of the mother as Saradambal and that of the father as R.Ramanathan. The PAN Cards and the aadhaar cards of the petitioner and the children have been placed on record as proof of identity. The petitioner has provided the declaration of willingness to be the guardian (Ex.P42).

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

5. Therefore, O.P.No.786 of 2022 is allowed on the following terms:

(i) the petitioner is appointed as the guardian of the person and property of the minors, R.Meganna and R.Megasvana.



O.P.No.786 of 2022

WEB COPY

(ii) the petitioner is permitted to mortgage Item Nos.1 to 3 of the schedule for a sum of Rs.10,00,000/- [Rupees Ten Lakhs Only/-] for the maintenance of the properties in the schedule Item No.1 to 3. He shall stand as a personal guarantor to such mortgage.

(iii)the petitioner is permitted to a sum of Rs.3,00,000/- [Rupees Three Lakhs Only/-] for the maintenance and education of the minors.

(iv)the petitioner is permitted to receive the minors' share in the assets described in the schedule No.4 to 25 to the petition on a condition that the entire share of the minor's is to be deposited in a fixed deposit in the name of the respective minor in a nationalized bank. It is clarified that separate fixed deposit accounts shall be opened for each minor. Such fixed deposit shall be kept renewed until the respective minor attains the age of majority.

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

19.04.2023

pbn

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



O.P.No.786 of 2022

Note :- Issue order copy on 02.05.2023

WEB COPY



O.P.No.786 of 2022

Petitioner's witness:

P.W.1 —Mr.Sivarama Krishnan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of R.Megasvana
Ex.P2	Computer generated birth certificate of R.Meganna
Ex.P3	Photocopy of the Aadhaar Card of R.Meganna
Ex.P4	Photocopy of the Aadhaar card of R.Megasvanna
Ex.P5	Photocopy of the PAN card of R.Meganna
Ex.P6	Photocopy of the PAN card of R.Megasvana
Ex.P7	Computer generated death certificate of V.Saradambal
Ex.P8	Computer generated death certificate of R.Ramanathan
Ex.P9	Photocopy of the Legal Heirship certificate of V.Saradambal
Ex.P10	Photocopy of the petitioner's Aadhaar card
Ex.P11	Photocopy of the petitioner's PAN card
Ex.P12	Photocopy of the petitioner's office identity card
Ex.P13	Online printout of the petitioner's pay slip for the month of January 2022
Ex.P14	Online printout of the petitioner's pay slip for the month of February 2022
Ex.P15	Online printout of the petitioner's pay slip for the month of March 2022
Ex.P16	Photocopy of the Sale Deed dated 30.03.1992 executed in favour of V.Saradambal
Ex.P17	Photocopy of the sale agreement dated 09.03.1998 entered into between K.Vasanth, Mr.K.Palani and Mr.R.Ramanathan
Ex.P.18	Photocopy of the sale deed dated 24.11.2011 executed in favour of Mr.Ramanathan



O.P.No.786 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P19	Photocopy of the term deposit receipt of Sundaram Finance dated 16.08.2018 standing in the name of Mr.R.Ramanathan
Ex.P20	Photocopy of the Sovereign Gold Bonds Scheme 2017-18 of Government of India standing in the name of Mr.R.Ramanathan
Ex.P.21	Photocopy of the fixed deposit receipt of Indian Overseas Bank dated 25.01.2017 standing in the name of Mr.R.Ramanathan
Ex.P22	Photocopy of the fixed deposit receipt of Indian Overseas Bank dated 25.01.2017, standing in the name of Mr.R.Ramanathan
Ex.P23	Photocopy of the term deposit advice of State Bank of India dated 21.12.2019 standing in the name of Mr.R.Ramanathan
Ex.P24	Photocopy of the first page of the public provident fund account passbook of State Bank of India bearing account No.38571267699 standing in the name of minor Ms.R.Meganna and R.Ramanathan
Ex.P25	Photocopy of the first page of the public provident fund account passbook of State Bank of India bearing account No.38571267882 standing in the name of minor Ms.R.Meganna and R.Ramanathan
Ex.P26	Photocopy of the first page of the post office monthly income savings passbook bearing account No.3662095445 standing in the name of Mr.R.Ramanathan
Ex.P27	Photocopy of the first page of the post office joint savings account passbook bearing account No.0000421041 standing in the name of Mr.R.Ramanathan and Mrs.Saradambal
Ex.P28	Photocopy of the first page of the post office term deposit account passbook bearing account No.4007256729 standing in the name of Mr.R.Ramanathan
Ex.P29	Photocopy of the first page of the post office recurring deposit account passbook bearing account No.4007301948 standing in the name of Mr.R.Ramanathan



O.P.No.786 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P30	Photocopy of the first page of the post office senior citizen savings account passbook bearing account No.4254294963 standing in the name of Mr.R.Ramanathan
Ex.P31	Photocopy of the first page of the post office savings bank account passbook bearing account No.0000421041 standing in the name of Mr.R.Ramanathan
Ex.P32	Photocopy of the first page of the post office monthly income scheme account passbook bearing account No.4007214293 standing in the name of Mr.R.Ramanathan
Ex.P33	Photocopy of the first page of the post office Sukanya Samriddhi Yojana account passbook bearing account No.3028709702 standing in the name of Ms.R.Megasvana
Ex.P34	Photocopy of the first page of the post office Sukanya Samriddhi Yojana account passbook bearing account No.3028712016 standing in the name of Ms.R.Meganna
Ex.P35	Photocopy of LIC bond bearing policy No.706316728 in the name of R.Megasvana
Ex.P36	Photocopy of LIC bond bearing police No.706316729 in the name of R.Meganna
Ex.P37	Photocopy of LIC bond bearing policy No.717391573 in the name of R.Meganna
Ex.P38	Photocopy of LIC bond bearing policy No.717391572 in the name of R.Megasvana
Ex.P39	Photocopy of the first page of the savings account passbook of Indian Overseas Bank bearing account No.044101000014984 standing in the name of Mr.R.Ramanathan
Ex.P40	Photocopy of the first page of the savings account passbook of State Bank of India bearing account No.10792534752 standing in the name of Mr.R.Ramanathan
Ex.P41	Photocopy of the letter dated 22.11.2018 from TNEB Worker's Benefit Society to Mr.R.Ramanathan
Ex.P42	Petitioner's declaration of willingness.



WEB COPY

pbn



O.P.No.786 of 2022

19.04.2023



WEB COPY



O.P.No.786 of 2022

K.KUMARESH BABU,J.

pbn

O.P.No.786 of 2022

19.04.2023