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O.P.No.201 of 2023

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N.SATHISH KUMAR, J.

This Petition has been filed under Sections 3 and 7 to 10 and 29 of the Guardians and Wards Act, 1980 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the petitioner as the Guardian of the person and property of master Jotham Elric Adler and to permit the petitioner to execute the sale deed over the schedule mentioned property.

2. The case of the petitioner is that the petition mentioned properties were originally purchased by her husband late Joshua Ebenezer along with his mother on 16.04.2013. The said Joshua Ebenezer died on 25.05.2020 leaving behind his mother, the petitioner and their minor child as his legal heirs. The father of the deceased predeceased him. Since the petitioner wants to utilise the money for the welfare of the minor, she has filed the present petition for the relief stated supra.



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WEB COPY 3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and marked Ex.P.1 to P.10.

4. P.W.1 in her evidence has stated that the master Jotham Elric Adler was born to the petitioner and her husband Joshua Ebenezer on 01.06.2016. Ex.P.7 is computer generated birth certificate of the master Jotham Elric Adler. Ex.P.5 is the computer generated death certificate the said Joshua Ebenezer. Ex.P.5 shows that the husband of the petitioner died on 25.05.2020. Ex.P.4 is a copy of the registered sale deed in favour of the husband of the petitioner and his mother. Ex.P.4 shows that the property was purchased by the husband of the petitioner and his mother. Ex.P.6 is a copy of legal heirship certificate of the deceased. Ex.P.7 shows that the mother of the deceased viz., Manorama, petitioner and master Jotham Elric Adler are the legal heirs of the deceased Joshua Ebenezer.

5. It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of his education and investment in other properties, she



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has decided to dispose of the property. Ex.P9 is the declaration of willingness of the petitioner to accept the office of guardianship in respect of the master Jotham Elric Adler. Ex.P.9 and Ex.P.10 are paper publication and none objected for the same.

6. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the reliefs as sought for in the petition.

5. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the master Jotham Elric Adler. The petitioner is also permitted to sell the property mentioned in the schedule on behalf of the minor and deposit a sum of Rs.10,00,000/- [Rupees ten lakhs only] in a fixed deposit in any of the nationalized bank in the name of the minor, till the minor attains majority. The petitioner shall produce a copy of the deposit receipt within one month from the date of the execution of the sale deed in favour of the purchaser and the petitioner shall receive the accrued interest from the deposit for the purpose of the education of the master Jotham Elric Adler. The petitioner shall execute a



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Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar

O.S.(II), High Court, Madras.

06.10.2023

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