



O.P.No.599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

O.P.No.599 of 2022

M.C.Daniel Ravikumar

... Petitioner

-VS-

1.Kasthuri

2.R.Sarala Devi

... Respondents

(Impleaded as per order dated 07.02.2023 in A.No.5563 of 2022)

PRAYER: Original Petition filed under Sections 3, 7 to 10 and 29 of Guardian and Wards Act, 1890 (As Amended as the Personal Laws Amended Act, 2010) Read With Order XXI Rule 2 and 3 of O.S.Rules, pleased to appoint the petitioner as guardian of the person and property of minors viz., i) Keziah Katherine and ii) Wesley David and to permit the petitioner to receive the share of minors, and deposit the same in the name of minors, any nationalized bank, until they attain the age of majority, on such terms and conditions.



O.P.No.599 of 2022

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For Petitioner : Mr.A.Chandrasekaran

ORDER

The petitioner has applied for permission to receive the minors' share in amounts payable towards the provident fund dues of his deceased wife.

2. The petitioner states that his wife, Mrs.R.Vimala, died on 19.03.2021 and is survived by the petitioner and their two minor children, Keziah Katherine and Wesley David. Both the paternal and maternal grand fathers died earlier. By order dated 07.02.2023 in A.No.5563 of 2022, the paternal and maternal grandmothers were impleaded as respondents. Both of them stated that they had no objection to the petition being allowed.

3. The petitioner adduced evidence by examining himself as P.W.1. The 10 documents listed at the foot of this order were exhibited in course of examination-in-chief. The death certificate of the petitioner's wife (Ex.P1)



O.P.No.599 of 2022

discloses that she died on 19.03.2021. The legal heirship certificate in respect of R.Vimala (Ex.P4) discloses the names of the petitioner and the two minor children as the legal heirs of R.Vimala. The birth certificate of Keziah Katherine (Ex.P2) discloses that she was born on 17.11.2007 and the birth certificate of D.Wesley David (Ex.P3) discloses that he was born on 13.01.2014. Both the death certificates specify the name of the mother as R.Vimala and that of the father as M.C.Daniel Ravikumar. The PAN Card of the petitioner and the aadhaar cards of the children have been placed on record as proof of identity. The petitioner has provided the declaration of willingness to be the guardian (Ex.P10).

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

5. Therefore, O.P.No.599 of 2022 is allowed on the following terms:

(i) the petitioner is appointed as the guardian of the person and property of the minors, Keziah Katherine and Wesley David.



O.P.No.599 of 2022

(ii) the petitioner is permitted to receive the minors' share in the debts described in the schedule to the petition on condition that the entire share of the minor is 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.

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

14.02.2023

rna

Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.M.C.Daniel Ravikumar.

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of R.Vimala.
Ex.P2	Computer generated birth certificate of Keziah Katherine.



O.P.No.599 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Computer generated birth certificate of D.Wesley David.
Ex.P4	Computer generated Legal Heirship certificate of R.Vimala.
Ex.P5	Original return claim form by employee provident fund organization.
Ex.P6	Photocopy of the Family Card of R.Vimala (Compared with the original).
Ex.P7	Photocopy of the petitioner's PAN card (Compared with the original).
Ex.P8	Photocopy of the Aadhaar card of D.Keziah Katherine (Compared with the original).
Ex.P9	Photocopy of the Aadhaar card of D.Wesley David (Compared with the original).
Ex.P10	Declaration of Willingness.



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O.P.No.599 of 2022

SENTHILKUMAR RAMAMOORTHY,J

rna

O.P.No.599 of 2022

14.02.2023