



O.P.No.453 of 2023

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A.No.4753 of 2023

N.SATHISH KUMAR, J.

This Petition has been filed under Sections 3, 7, 8, 9, 10 and 25 of the Guardians and Wards Act, 1890 read with Order XXI, Rules 2 and 3 of Madras High Court Original Side Rules, 1956 and Clause 17 of Letters Patent to grant the petitioner with the permanent custody of the Christian Minor male child Samuel David born on 10.12.2009 and to appoint the petitioner as the guardian of the person of the Christian minor male child.

2.Heard learned counsel on both sides.

3. Application No.4753 of 2023 has been filed by the applicant/petitioner in the OP to permit applicant to file the consent affidavit sent by the respondent. In view of the averments in the affidavit, this application is allowed.



O.P.No.453 of 2023

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4. In addition to the consent affidavit, a Joint Compromise Memo has also been filed by the parties which has been attested by Assistant Consular Officer, Embassy of India, Muscant wherein it is specifically agreed by the respondent in the OP that permanent custody of 13 year old male child viz., Samuel David shall remain with the petitioner as the minor child has been residing with the petitioner since his birth.

5. Both consent affidavit and Joint Compromise Memo are taken on file and the same shall form part of this order.

6. Accordingly, this Original Petition is disposed of in terms of Joint Compromise Memo and the consent affidavit. The petitioner is entitled to permanent custody of the minor child and she is appointed as the legal guardian since the divorce decree has already been obtained by the parties.

06.10.2023

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Note to Registry: Issue order copy on 11.10.2023.

2/3



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O.P.No.453 of 2023

N.SATHISH KUMAR, J.

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O.P.No.453 of 2023

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