



O.P.No.895 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.895 of 2019

Ranjani Aravamudhan

...

Petitioner

Vs.

V.Prasanna

...

Respondent

Original Petition filed under Section 3,7 to 10 of Guardians and Wards Act 1890 r/w. Order XXI Rules 2 & 3 of O.S.Rule to declare the petitioner as the Guardian of the person of the minor child – Aditya Prasanna, aged sever years, till he attains majority.

For Petitioner : No appearance

For Respondent : Ms.Anuradha Balaji



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ORDER

WEB COPY On 16.06.2023, this Court has passed the following order:

“The above captioned Original Petition has been listed before this Court as there was no representation on the side of the petitioner on two occasions earlier before the learned Master.

2. Even today, when the matter was taken up for hearing, there was no representation on behalf of the petitioner. Hence, list the case after four weeks.”

2. When the matter is taken up today also there is no representation for the petitioner.

3. The learned counsel for the respondent submitted that the petitioner who is the mother of the minor child had filed this petition seeking guardianship of the minor child but does not show any interest in prosecuting the matter and remains absent.

4. By virtue of an order dated 23.03.2022, this Court has granted interim custody of the minor child to the father who is the respondent herein. The relevant portion of the said order is extracted hereunder:



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“ 3. The respondent / mother emotionally stated that she is not ready to give interim custody of the child, if the applicant wishes so and if the Court decided to give interim custody to the applicant, the applicant can take the permanent custody of the child.

4. Therefore, interim custody of the child is given to the applicant / father till the disposal of the above original petition and this application is allowed accordingly.”

5. The above observations would show that the petitioner / mother was not willing to give interim custody of the minor child to the respondent. However if the respondent is willing to get permanent custody of the child, he can exercise such a option.

6. Since the petitioner did not turn up for further proceedings despite there is a direction to the parties to co-operate for early disposal and for recording evidence, the matter cannot be proceeded without the appearance of the petitioner.

7. Hence, this Original Petition is dismissed for default. No costs.

14.07.2023

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R.N.MANJULA, J.

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