



This Original Petition has been filed by the petitioners / maternal grandparents of the minor V.Prashvitha who born on 14.09.2014 taking advantage of Sections 3, 7, 8, 9, 10 & 29 of Guardian and Wards Act r/w Order XXI Rule 2 & 3 of the Original Side Rules of Madras High Court seeking to appoint the them as guardian of minor and also the other consequential reliefs as prayed for.

2.The daughter of the petitioners, S.Sankari, was married to the respondent on 03.09.2012. The minor child was born to them. Subsequently, owing to various differences, the daughter of the petitioners and her husband / respondent had filed H.M.O.P.No.5531 of 2021 and by an order dated 23.02.2023, the VI Additional Judge, Principal Family Court, Chennai, dissolved the marriage between two of them. Thereafter, the daughter unfortunately died on 09.03.2023 on account of burn injuries suffered owing to LPG cylinder blast. The minor was therefore left without any care. The petitioners have taken the responsibility to bring up the minor child from that date, even though there was an order granting dissolution of the marriage



between the daughter of the petitioners and the respondent. It had been stated that the respondent had given up all claims to the minor child. It is stated that the daughter of the petitioners was employed as Vice President in BNY Mellon Company. It is stated that the minor is entitled for the family pension and the minor also has an undivided 1/3rd share in the property at Velachery West and in George Town.

3. Though notice was directed to be served on the respondent, service proved to be an impossible task. By an order dated 18.06.2024, this Court had set the respondent as *ex-parte* and directed the petitioners to tender evidence. Accordingly, the 1st petitioner examined himself as PW-1. The death certificate and legal heirship certificate of the daughter, S.Sankari were marked as Exs.P1 and P2. The order in O.P.No.553 of 2021 dated 23.03.2022 was marked as Ex.P3. Ex.P8 is the declaration of willing to act as guardian.

4. In view of the evidence adduced and the documents produced and on hearing the learned counsel for the petitioners, this Original Petition stands allowed. The petitioners are appointed as guardian of the minor, V.Prashvitha who was born on 14.09.2014 with specific right to deal with



the properties as mentioned in the schedule to the petition. The petitioners also directed to open an account exclusively in the name of the minor and also in the name of either one of the two petitioners to collect the family pension from the employer of their daughter. If ever any amount is required, from the amount so deposited, they may withdraw the same but produce necessary statement of accounts before the Court.

11.07.2024

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C.V.KARTHIKEYAN,J.

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O.P.No.92 of 2024

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