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O.P.No.197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 197 of 2024

L.Janova Arul Mary

... Petitioner

Vs.

L.Nivedha Little Rose

... Respondent

PRAYER: Original Petition filed under Sections 3, 7 to 10 & 29 of the Guardian and Wards Act, 1890, read with Order XX1 Rules 1 and 2 of Original Side Rules to appoint the petitioner as guardian of the person and the property of the above named minor L.Rakshi Berna and to permit the petitioner to receive family pension on behalf of the minor and deposit the same in the name of minor (or) expend the same for the welfare of the minor.

For Petitioner : Ms.S.Thamizharasi

For Respondent : Mr.G.Vinu



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ORDER

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The petition has been filed seeking to appoint the petitioner as guardian of the minor L.Rakshi Berna, who is the younger sister of the petitioner and who was born on 24.08.2009, to receive the family pension which is payable by the Accountant General Office since their mother was working as Secondary Grade Teacher at Sagayamatha Middle School at Ennore.

2. The respondent is the elder sister of the petitioner. She is married and she is now living in her matrimonial house and she has given her consent to the petitioner to be appointed as guardian of her younger sister.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined herself as P.W.1. She produced Ex.P1, birth certificate of the minor, but unfortunately the minor is stated as daughter of the petitioner. She is actually the younger



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sister of the petitioner. The petitioner also produced the death certificate of her mother and father as Exs.P2 and P3 and the legal heirship certificate of the father as Ex.P4. She also produced the appointment order of her mother as Secondary Grade Teacher as Ex.P12 and the legal heirship certificate of the mother as Ex.P13. She also produced the authorization of the family pension given to her father as Ex.P14. The copy of the family pension payment order was marked as Ex.P16.

4. The matter came up for consideration on 12.07.2024, wherein it had been noted that in the evidence, Ex.P1 had been described as the birth certificate of the minor daughter L.Rakshi Berna, and not younger sister of the petitioner. Now the said correction had been corrected after the matter had been listed before the learned Master.

5. In view of the documents produced and the nature of the evidence recorded, this Original Petition stands allowed and the petitioner is appointed as guardian of the younger sister L.Rakshi Berna, born on 24.08.2009 to receive the family pension payable by the



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Accountant General consequent to the service rendered by her mother as
Secondary Grade Teacher at Sagayamatha Middle School.

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Index :Yes/No
gsa

APPENDIX

Petitioner's witness:

P.W.1 – L.Janova Arul Mary

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the birth certificate of my minor younger sister L.Rakshi Berna (compared with the original).
Ex.P2	Computer generated death certificate of Mrs.K.Roseline.
Ex.P3	Computer generated death certificate of Mr.A.M.Leo.
Ex.P4	Computer generated legal heir certificate of Mr.A.M.Leo.
Ex.P5	Photocopy of my degree certificate issue by University of Madras (compared with the original).
Ex.P6	Photocopy of the course completion certificate issued by Dr.MGR Educational and Research Institute (compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	Photocopy of the family card of my father Mr.Arul Mariadas Leo (compared with the original).
Ex.P8	Photocopy of my Aadhaar Card (compared with the original).
Ex.P9	Photocopy of the Pan Card of minor L.Rakshi Berna (compared with the original).
Ex.P10	Photocopy of the school identity card of minor L.Rakshi Berna (compared with the original).
Ex.P11	Photocopy of the Aadhaar Card of minor L.Rakshi Berna (compared with the original).
Ex.P12	Photocopy of the appointment order of Mrs.Roselin as a Secondary Grade Teacher (compared with the original).
Ex.P13	Photocopy of the legal heirship certificate of Mrs.K.Roselin (compared with the original).
Ex.P14	Photocopy of the authorization for family pension order dated 23.10.2018 given to my father Mr.A.M.Leo (compared with the original).
Ex.P15	Photocopy of my employment appointment dated 06.02.2023 (compared with the original).
Ex.P16	Photocopy of the family pension payment order dated 15.05.2023 of Mrs.K.Roselin (witness states that the original petition payment order has been handed over to the Sub-Treasury Office at Ponneri. This document is marked subject to its admissibility, proof and relevancy).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P17	Photocopy of the bonafide certificate dated 03.02.2024 given to me by Tattva Home Healthcare Pvt Ltd (compared with the original).

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C.V.KARTHIKEYAN,J.

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