



O.P.No.174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.174 of 2023

Mrs.M.Savithiri

... Petitioner

Vs

V.G.Vaidyanadhan

... Respondent

PRAYER: Original Petition filed under Sections 3,7 to 10 of Guardian & Wards Act & Clause 17 of Letters Patent R/W Order XXI Rules 2 & 3 of O.S Rules seeking to appoint Mrs.M.Savithiri as the Guardian of the person of the minor child U.K.Prithvi, born on 27.11.2006 and U.K.Prakruth, born on 14.01.2012.

For Petitioner : Ms.D.Veda

For Respondents : Mr.J.Sathyavath

ORDER

The petitioner has applied to appoint her as the guardian of the minors U.K.Prithvi and U.K.Prakruth.

2. The petitioner states that the father namely, G.K.Uday Kumar died on 25.01.2022 and the mother Krishnaveni died on 24.09.2022, leaving



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behind the above mentioned minors. The petitioner is the paternal grandmother of the minors. The maternal grandfather of the minor children is aged about 88 years and he lives in Andhra Pradesh. The maternal grandmother died on 15.02.2002. The petitioner being their paternal grandmother had been with the minor children since from their birth, and the petitioner receives rental incomes and incomes from her bank fixed deposits and is capable of looking after the minor children. The maternal grandfather has also filed a consent affidavit for appointment of the petitioner as the guardian of the minors.

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 certificates of the parents of the minors (Exs.P4 and P5) disclose that they died on 25.01.2022 and 24.09.2022 respectively. The legal heirship certificate in respect of G.K.Uday Kumar (Ex.P6) discloses the names of the two minor children as the legal heirs of G.K.Uday Kumar. The birth certificates of U.K.Prithvi and U.K.Prakruth (Exs.P2 and P3) discloses that they were born on 27.11.2006 and 14.01.2012. Both the birth certificates specify the name of the mother as Krishnaveni and like that of the father as G.K.Uday Kumar. The consent



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affidavit of the respondent marked as Ex.P9.

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

Therefore, O.P.No.174 of 2023 is allowed by appointing the petitioner as the guardian for the minors, U.K.Prithvi and U.K.Prakruth.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Note :- Issue order copy on 25.04.2023



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Petitioner's witness:

P.W.1 —Mrs.Savithiri

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the petitioner's Aadhaar Card
Ex.P2	Computer generated birth certificate of U.K.Prithvi
Ex.P3	Computer generated birth certificate of U.K.Prakruth
Ex.P4	Computer generated death certificate of Mr.G.K.Uday Kumar
Ex.P5	Computer generated Death certificate of Mrs.Krishnaveni
Ex.P6	Computer generated legal heir certificate of Mr.G.K.Uday Kumar
Ex.P7	Original Bonafide certificate of U.K.Prithvi
Ex.P8	Original Bonafide certificate of U.K.Prakruth
Ex.P9	Consent affidavit of the respondent
Ex.P10	Declaration of willingness to accept the office of the guardian of the person and the property of the minor children U.K.Prithvi and U.K.Prakruth

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