



O.P.No.397 of 2023

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WEB C **N.SATHISH KUMAR, J.**

This petition is filed under Section 25 of the Guardian and Wards Act read with Order XXI of Madras High Court Rules Original Side 1956 and Clause 17 of Letters Patent, to permit the petitioner to have custody of the minor G.Prasanna Vinayak permanently.

2. The petitioner is the biological mother of the child. The first respondent is her sister and the second respondent is her mother. It is the case of the petitioner that her second son was born on 29.08.2014, the petitioner was house wife. At the request of her mother/2nd respondent, the child was allowed to grow in the hands of the second respondent till he attains the age of joining school. However, thereafter, the respondents 1 and 2 has refused to handover the child. Hence, seeks a directions.

3. The respondent remained *ex parte*. The petitioner was examined as P.W.1 and marked Exs.P1 to P8. P.W.1 has stated about the handing over her son to her mother. Ex.P1 is the original marriage invitation card dated 18.06.2007. Photocopy of the birth certificate of the child is filed as Ex.P3. The family photograph also filed as Ex.P7. Ex.P8 is the photograph of the minor



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child. The relationship as pleaded by the petitioner is not denied by the respondents. The respondents conveniently remained absent and set exparte.

When the evidence of the petitioner is not denied nor traversed, it has to be held that the allegations of the petitioners stands proved.

4. Considering the documentary evidences adduced on the side of the petitioner, particularly, the birth certificate of the child proves the fact that the minor child was born to the petitioner and her husband. Such view of the matter, the petitioner being the biological mother of the minor child is entitled to have the permanent custody.

5. Accordingly, this petition is ordered.

08.03.2024

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