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O.P. No.585 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No.585 of 2023

1.P.G.Bagavath Singh
2.B.Vasantha

... Petitioners

Vs.

1.S.Sanjeevirajan
2.Selvarathi

... Respondents

PRAYER: Original Petition filed under Sections 3, 7 to 10, 25 and 29 of the Guardians and Wards Act, 1890 r/w Order XXI Rule 2 and 3 of O.S.Rules, to appoint the petitioners as the guardian of the person and property of the minor children, M.Pavithra Sri (born on 17.01.2007) who has completed 16 years and M.Punidhan (born on 24.01.2009) who has completed 14 years and to grant permanent custody of the minor children and to permit the petitioners to receive the amount on behalf of the minor children and deposit the amount on behalf of the minor children and deposit the same in the name of the minors in any nationalized bank.

For Petitioners : Mr.M.H.Peer Mohammed

For Respondents : Mr.M.Arul Raj



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ORDER

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This Original Petition has been filed to appoint the petitioners as the guardian of the person and property of the minor children, M.Pavithra Sri (born on 17.01.2007) who has completed 16 years and M.Punidhan (born on 24.01.2009) who has completed 14 years and to grant permanent custody of the minor children and to permit the petitioners to receive the amount on behalf of the minor children and deposit the amount on behalf of the minor children and deposit the same in the name of the minors in any nationalized bank.

2. The petitioners are the paternal grand parents of the minor children and the respondents are the maternal grand parents of the minor children. The parents of the two children had unfortunately taken a decision to commit suicide and the bodies were recovered and identified on 27.03.2023. Thereafter, the two minor children were left in the care of the petitioners herein.

3.The petitioners and the first respondent and the two children had come over to the chambers on 08.07.2024. On that date, the following order had been passed:



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“The petitioners/paternal grandparents of the two minor children, M.Pavithra Sri, born on 17.01.2007 and M.Punidhan, born on 24.01.2009 are present in the chambers along with the two children and with the first respondent/maternal grandfather of the two children. The second respondent/maternal grandmother is not able to be present as she is indisposed.

2. The learned counsel for the petitioners and the learned counsel for the respondents are also present.

3. This Petition has been filed seeking to appoint the petitioners as joint guardians of the personal property of the two minor children and to grant permanent custody of them. It is also sought that the amount invested in Provident Fund by the father of the two children and the amount invested as insurance in Policy No. A0000823 in term insurance, ICICI Pru iProtect Smart Plan for covering an insurance amount of Rs. 1 crore in ICICI Prudential Life Insurance Company Ltd., Chennai, with Head Office at Mumbai, may also be received by the petitioners with the further undertaking that they would deposit the amount paid in any nationalised bank in the names of the two minors and the amounts would come to the benefit of the minors when they attain the age of majority.



4. *Taking into consideration the circumstances surrounding which the two minor children had unfortunately lost their two parents and appreciating the paternal and maternal grandparents for having come forward to compromise between themselves about the custody of the two minor children, I am of the opinion that this Petition should be allowed.*

5. *The joint memo of compromise signed by the petitioners and the respondents had also been presented before this Court. A few formalities are to be completed with respect to the same. But I am satisfied that it had been entered into.*

6. *Taking into consideration, the best interest and welfare of the two children, both the petitioners and the respondents have agreed that the two children could be with the petitioners and the respondents could visit them at any time they so please. The maturity shown by the petitioners and the respondents are deeply appreciated.”*

4. Today, in the Court, the second respondent, Selvarathi, is also present.

5. The compromise memo had also been presented in the Court. Since the second petitioner and the second respondent have signed in Tamil, it had



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been now affirmed by a Commissioner of Oaths of High Court of Madras.

The petitioners and the respondents are aware of the nature of compromise which has been explained to them on 08.07.2024.

6. As already pointed out in the order dated 08.07.2024, both the minor children may visit the respondents/maternal grandparents as and when they wish to and the maternal grandparents may also visit the children whenever they want to. I am confident that the petitioners would also co-operate in such interaction between the children and the maternal grandparents. This order would also cover the amount invested in the Insurance Policy No.A0000823 in term insurance, ICICI Pru iProtect Smart Plan for an insurance amount of Rs.1/- crore in ICICI Prudential Life Insurance Company Limited, Chennai, which may be received by the petitioners but they must deposit the amount in any nationalized Bank in the names of the two minor children and the minors can have the benefit of the same when they attained the age of majority. If interest is payable, the petitioners may utilize that interest for the expenses of the minors and if at any point, the petitioners seek to utilize any of the principle amount or a portion of the principle amount, they may file an application before this Court seeking permission and at that time, they must also put the



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respondents on notice.

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7. With the above observations, the Original Petition stands allowed in terms of the Compromise Memo. The Compromise Memo shall form part of the order.

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C.V.KARTHIKEYAN, J.

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