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C.R.P.(PD)No.4744 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4744 of 2024

and

C.M.P.No.26526 of 2024

K.Praveena Suganthi

.... Petitioner

Vs

V.Arjunan

.... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition made by the respondent in G.W.O.P.No.2/2023 which is pending before the learned District Court II, at Kancheepuram District.

For Petitioner : Ms.R.Renukadevi

ORDER

The civil revision petitioner seeks to strike off the petition made by the respondent in G.W.O.P.No.2/2023 on the file of the learned District Court II, at Kancheepuram District.



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2. The relationship between the parties is not in dispute. The petitioner is the daughter-in-law of the respondent. The respondent's son Aselan married the petitioner on 26.09.2018 and a child was born on 07.06.2019. Unfortunately due to a "cerebral hemorrhage", Mr.Aselan passed away. The wife is taking care of the minor child who was born from the wedlock. Pleading that it is the best interest of the child that the respondent has custody of the child, he filed an application seeking for custody under Guardians and Wards Act, 1890. It is this petition that the civil revision petitioner seeks to strike off.

3. I heard Ms.Renuka Devi for the civil revision petitioner. She pleads that as the natural guardian is available, the grandfather cannot be appointed as the guardian of the child. Therefore she pleads for striking off the proceedings.

4. I have carefully considered the submissions made by Ms.Renuka Devi and gone through the records .

5. Whether the grandfather is the best person to bring up the child



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or whether it is mother, is a matter to be decided by the learned District Judge at Kancheepuram. For the mere fact that the mother is a natural guardian, does not mean that the G.W.O.P. should be dismissed. Since the filing of G.W.O.P. cannot be treated as abuse of process of law, I am not inclined to entertain this civil revision petition. Hence, this civil revision petition is dismissed leaving it open to the petitioner to substantiate her plea before Trial Court, No costs. Consequently, connected Miscellaneous Petition is closed.

28.11.2024

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
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V. LAKSHMINARAYANAN,J.
arr

To

The District Court II,
Kancheepuram.

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