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O.P.No.804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.804 of 2022

1.N.Vairavan
2.V.E.Umayal

... Petitioners

Vs.

1.K.Chockalingam
2.Unnamalai

... Respondents

Prayer: Original Petition has been filed under Sections 3, 7 to 10 and 25 of the Guardian Wards Act, 1890, read with Order XXI Rules 2 & 3 of Original Side Rules that pleased to appoint the petitioners as the Guardians of person of C.Madhura Vallliammai, the minor child aged about 14 years and to grant permanent custody of her to the petitioners herein.

For Petitioners : M/s.G.Rm.Palaniappan

For Respondents : Mr.R.Saravanakumar

ORDER

The Original Petition has been filed for guardian of minor child, who is presently 14 years old. The petitioners are grand parents of the minor child. The 1st respondent is the father of the minor child.



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The mother of the minor child died in the year 2011 and thereafter, the 1st respondent married the 2nd respondent in the year 2013. Even after their marriage, the minor child remained with the 1st and 2nd respondents for about 3 ½ years. However, in the year 2016, the child was taken by the petitioners herein, who are the grand parents, and has continued to reside with them since then. Evidence been recorded in this matter. Certain allegations were made regarding misappropriation of the deceased daughter's funds by the 1st respondent. However, the statement of account produced by the 1st respondent proves otherwise and about Rs.50 lakhs worth of assets are now maintained in the name of the minor child by the 1st respondent.

3. On cumulative assessment of the facts, this Court finds that the petitioners, being the grand parents of the minor child, cannot be granted guardianship, since the father, who is willing and to be the guardian of the child. However, taking one fact that the child is currently pursuing her 11th standard and next year will be crucial for her education, this Court is not inclined to disturb her location for the present.



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4. Therefore, this Court while holding that the petition seeking guardianship of the minor child by the grand parents is devoid of merits and dismissed, however, there shall not lead to dislocation of the child from the custody of the grand parents, who are the petitioners herein, till she completes her 12th standard. The 1st respondent, who is the father of the minor child have visitation right, and he can visit the child as and when required and he shall also take care of her all expenses particularly educational expenses.

5. After the child completes her 12th standard, if she is wishes to pursue higher studies, including any professional course, it is for the 1st respondent herein to meet out the expenses. After completion, the custody of the child shall be entrusted to the 1st respondent and the 1st respondent shall take care for her future education.

6. In the result, this *Original Petition stands dismissed.*

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Index: Yes/No.

Internet : Yes/No.

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Dr.G.JAYACHANDRAN, J.

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