



C.M.A.(MD)No.1627 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.A.(MD)No.1627 of 2013

and

MP(MD)No.1 of 2013

M.Dhanalakshmi

... Appellant / Petitioner

-VS-

S.Pricilla Santhakumari

... Respondent /Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, 1980, to call for the records relating to the fair and decreetal order made in G.W.O.P.No.14 of 2013 dated 06.08.2013 on the file of the 1st Additional District Judge, Madurai set aside the same and allow this appeal.

For Appellant : Mr.G.S.Asok Adhithyan

For Respondent : Mr.A.Raja Mohideen



C.M.A.(MD).No.1627 of 2013

J U D G M E N T

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This petition has been filed seeking to quash the order passed by the learned 1st Additional District Judge, Madurai in G.W.O.P.No.14 of 2013 dated 06.08.2013.

2.The learned counsel appearing for the appellant would contend that the respondent herein is the daughter-in-law of the appellant. The son of the appellant died in the year 2021 leaving a minor male child. Hence, the appellant filed a guardianship petition in G.W.O.P.No.14 of 2013 before the 1st Additional District Judge, Madurai. At the time of filing of the petition, the respondent herein had claimed the custody of the minor child. After conducting trial, the learned trial Judge, dismissed the said petition on 06.08.2013. Challenging the same, the appellant filed this appeal. He would further contend that the appellant, who is the paternal grandmother of the minor child died in the year 2017. Now, the minor child is under the care and custody of his paternal uncle.



C.M.A.(MD).No.1627 of 2013

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3.The learned counsel appearing for the respondent would contend that whereabouts of the respondent is not known and not able to contact.

4.Since the appellant also died and the whereabouts of the respondent is not known, nothing survives for further adjudication in this appeal. If any claim is made by the respondent in future, the parties are at liberty to approach the competent Court to work out their remedy in the manner known to law.

5.With the above said liberty, this Civil Miscellaneous Appeal is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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C.M.A.(MD).No.1627 of 2013

P.DHANABAL,J.

dss

To

1. The 1st Additional District Judge,
Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

C.M.A.(MD)No.1627 of 2013
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