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C.M.A.(MD)Nos.584 and 585 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.01.2024

CORAM:

THE HON'BLE MR.JUSTICE **P. DHANABAL**

C.M.A.(MD)Nos.584 and 585 of 2014

and

M.P.(MD) No.1 of 2014

C.M.A(MD) No.584 of 2014

S.Raj

... Appellant/ Petitioner

Vs.

Ratchaka

... Respondent/Respondent

Prayer : This Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act to set aside the fair order and decretal Order dated 16.04.2014 passed by the learned District Judge, Theni in G.W.O.P.No.8 of 2012 and prayed to allow the same.

For Appellant : Mr.M.Divakaran

For Respondent : Mr.M.Muthugeethayan
for Mr.D.Srinivasa Raghavan

C.M.A(MD) No.585 of 2014

S.Raj

... Appellant/ Petitioner

Vs.

Ratchaka

... Respondent/Respondent

Prayer : This Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act to set aside the fair order and decretal dated



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16.04.2014 passed by the learned District Judge, Theni in G.W.O.P.No.9 of 2012 and pleased to allow the same.

For Appellant : Mr.M.Divakaran
For Respondent : Mr.M.Muthugeethayan
for Mr.D.Srinivasa Raghavan

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been filed as against the order passed in G.W.O.P Nos.8 of 2012 and 9 of 2012 on the file of the learned Principal District and Sessions Judge, Theni for the relief of appoint of guardian for the minor child Varunavi under Sections 7 and 8 of the Guardians and Wards Act.

2. The appellants in both appeals is the paternal grant father of the minor child and the respondent is the maternal grand mother of the minor child. Both the parents of the minor child died in the road accident in the year 2010. The maternal grand father filed a petition in G.W.O.P.No.8 of 2012 and the paternal grand mother filed G.W.O.P.No.9 of 2012 for the relief to appoint them as Guardian for the minor child Varunavi for the person and property.

3. After hearing both sides the trial Court has directed the custody of the child with the maternal grand mother and allowed the G.W.O.P.No.8 of



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2012 and dismissed G.W.O.P.No. 9 of 2012. As against the orders, the paternal grand father has filed the present appeals.

4. When the matter was taken up for hearing today both side counsels represented that already this Court has passed an interim order and in pursuance to the interim order passed by this Court, the minor is under the custody of the appellant and therefore both the counsels agreed to confirm the interim order passed by this Court as final order. In view of the above submissions this Court is inclined to pass the following order:

i) the maternal grand parents of the minor child Varunavi are appointed as guardian to the minor child Varunavi for the person and property and the respondents/maternal grand mother and grand father have to stay in a house near the place where the child was residing with the parental grand father. Thereafter during every weekend namely Saturday and Sunday the appellants shall hand over the minor child to the maternal grand parents.

ii) Whenever the maternal grand parents wish to give the minor child food prepared by them, they can provide the same to the minor child, for which, the appellant shall not object.



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iii) if the appellant at any point of time on account of any reason is not able to take care of the minor child he shall leave the child in the custody of the maternal grand parents.

5. With the above direction, both the Civil Miscellaneous appeals are disposed of. Consequently connected miscellaneous petition is closed.

12.01.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
aav

To:

1. The District Judge, Theni
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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