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O.P.No.538 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.02.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.538 of 2024

Mrs.Amali

...Petitioner

vs.

Mr.P.N.Victor

...Respondent

PRAYER: Original Petition filed under Section 3, 7 to 10 & 29 of Guardian and Wards Act, 1890 read with Order XXI Rules 2 & 3 of O.S.Rules, prays that this Hon'ble Court may be pleased

(a) To permit to appoint the petitioner as the Guardian of the Person and Properties of the Minors Master Chris Danny (aged 16), Miss.Chris Dolly (aged 12)

(b) To permit the petitioner to withdraw Insurance Policy Amounts and Fixed Deposits amounts on behalf of the minors and deposit the same in any nationalized bank or any income yielding schemes in the name of minor until the minors attain majority.

(c) To pass such further of other orders as this Hon'ble Court may deem fits and proper in the circumstances of this case and render justice.



For Petitioner : Mr.S.Rajendran

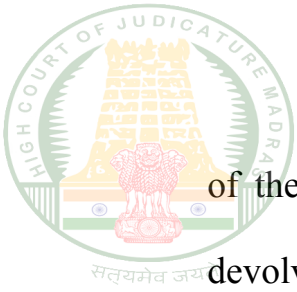
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For Respondent : Ms.D.Lavanya

ORDER

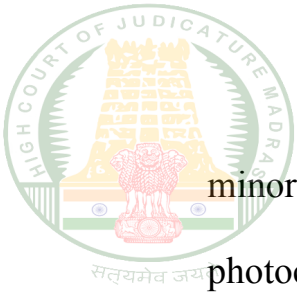
By this petition, the paternal grandmother of the minors, Master Chris Danny and Miss.Chris Dolly, seeks permission to appoint her as guardian of the person and properties of the minor children and to permit the petitioner to withdraw Insurance Policy Amounts and fixed deposit amounts belonging to the father of the minors, who is the son of the petitioner. The father of the minors Christopher Dennis died on 13.12.2022 leaving behind his wife, two minor children and his mother. The mother of the minor children died on 20.12.2022 leaving behind her two minor children and her father. The respondent is the maternal grandfather of the minor children. The maternal grandfather is unable to take care of the minor children and gave consent to the petitioner.

2. The petitioner asserts that the father of the minor children has three fixed deposits, two saving accounts and one LIC Life policy. Further, he had purchased immovable properties more fully described in the schedule mentioned property, out of his own earnings and savings. Since, the parents



of the minor children died intestate, the movable and immovable property devolved upon the minor children. Hence, it is necessary to appoint the petitioner as guardian of the person and properties and to permit the petitioner to withdraw Insurance Policy Amounts and fixed deposit amounts belonging to the father of the minors.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as PW1. In the course of the examination in chief of PW1, 20 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P20. The birth certificates of Master Chris Danny and Miss.Chris Dolly have been marked as Ex.P1 and Ex.P2, discloses that they were born on 06.12.2007 and 02.02.2011. The death certificates of parents of the minor children as Ex.P3 and Ex.P5. The legal heir certificates of the parents of the minor children as Ex.P4 and Ex.P6. On perusal of Ex.P4 and Ex.P6, it reveals that the petitioner, who is the paternal grandmother of the minor children, minor children and the respondent, who is the maternal grandfather of the minor children are the only surviving legal heirs of the deceased parent of the minor children. As evidence of the title of the immovable properties, the settlement deed in favour of the parents of the



minor children as Ex.P13 and Ex.P14. As evidence of the FD account, the photocopy of the deposit receipts compared with the original as Ex.P10 to EX.P12. As evidence of LIC Policy and saving account, Bank statement and Policy letter as Ex.P15, P16, P18 and P19.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

5. Based on the evidence adduced by the petitioner, the petitioner is entitled to the relief claimed on the following terms:

(i) The petitioner is hereby appointed as guardian of the person and properties of the minors Master. Chris Danny and Miss. Chris Dolly.

(ii) To permit the petitioner to withdraw Insurance Policy Amounts, Fixed Deposits amounts and savings account amounts on behalf of the minors and deposit the same in any Nationalised bank or any income yielding schemes in the name of minor until the minors attain majority.



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(iii) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the bank statement within six months before the Assistant Registrar (Original Side-II) of this Court.

17.02.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.Amali

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original birth certificate of Minor Chris Danny.
Ex.P2	Computer generated birth certificate of Minor Chris Dolly along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P3	Computer generated death certificate of Mr.Christoper Dennis along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P4	Computer generated legal heir ship certificate of Mr.Christoper Dennis along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P5	Computer generated death certificate of Mrs.Chandra along with



Exhibits	Documents
	the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P6	Computer generated legal heir ship certificate of Mrs.Chandra along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P7	Photocopy of the Aadhar Card of Minor Chris Danny C. (Compared with the original)
Ex.P8	Photocopy of the Aadhar Card of Minor Chris Dolly (Compared with the original)
Ex.P9	Photocopy of the letter dated 21.02.2024 issued by Canara Bank in respect of the locker account held by Mr.Christoper Dennis (Compared with the original)
Ex.P10	Photocopy of the deposit receipt dated 20.08.2016 of Canara Bank stands in the name of Mr.Christoper Dennis (Compared with the original)
Ex.P11	Photocopy of the deposit receipt dated 25.02.2021 of Canara Bank stands in the name of Mr.Christoper Dennis (Compared with the original)
Ex.P12	Photocopy of the deposit receipt dated 25.02.2021 of Canara Bank stands in the name of Mr.Christoper Dennis (Compared with the original)
Ex.P13	Photocopy of the Settlement deed dated 16.03.2011 executed in favour of Mr.Christoper Dennis (Compared with the original)
Ex.P14	Photocopy of the Settlement deed dated 23.02.2009 executed in favour of Mr.Chandra (Compared with the original)
Ex.P15	Truecopy of the statement of accounts issued by Canara Bank bearing Account No.1040101025634 held by Mr.Christoper Dennis.
Ex.P16	Truecopy of the statement of accounts issued by Canara Bank bearing Account No.1040101027874 held by Mrs.C.Chandra.
Ex.P17	Photocopy of my Aadhar Card.
Ex.P18	Original letter addressed to me by LIC of India regarding death



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<i>Exhibits</i>	<i>Documents</i>
	claim under policy No.308989542 on the life of Late Mr.Christoper Dennis.
Ex.P19	Truecopy of the consent cum declaration form of Canara Bank.
Ex.P20	Declaration of my willingness to act as a guardian.

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