



O.P.No.373 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.373 of 2024

Mr.Y.K.Vasudevan

... Petitioner

Vs.

Mrs.C.Saroja

... Respondent

PRAYER: Original Petition filed under Section 3, 7 to 10 and 29 of the Guardian and Wards Act, 1890 for appointment of Guardian and under Order XXI Rule 2 and 3 of Original Side Rules prayed for a) to appoint the petitioner as Guardian of the person and property of the minor namely G.Dhanvanth and to receive the deposit of Rs.1,511/- and to operate the account by depositing and making payment from saving bank A/c.No.6322756650 in Indian Bank, Kothawal Bazaar (82) branch, Chennai (b) to pass such further order

For Petitioner : Mr.P.S.Vasanthakumar

For Respondent : No Appearance

ORDER

By this petition, the maternal uncle and adopted father of the minor, G.Dhanvanth, seeks permission to appoint him as guardian of the person and property and to receive the bank deposit of Rs.1,511/- belonging to one G.Shanthi, who was the mother of the minor and the sister of the petitioner.



O.P.No.373 of 2024

G.Shanthi was married to One C.Gopi and begotten the minor child

G.Dhanvanth. Both the parents of the minor died intestate on 01.12.2019 and 17.08.2023. The maternal grandparents and paternal grandfather of the minor child were dead. The respondent is the paternal grand mother who is aged and unable to take care of the minor child.

2. The petitioner asserts that the mother of the minor child maintained a saving account with Indian Bank and had a deposit to a tune of Rs.1,511/-. Since, the mother of the minor child died intestate, the savings account deposit devolved upon her only minor son G.Dhanvanth. Hence, it is necessary to appoint the petitioner as guardian of the person and property and to receive the bank deposit of the late G.Shanthi for the benefit of the Minor Child.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as PW1. In the course of the examination in chief of PW1, 12 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P12. The birth certificate of Minor G.Dhanvanth has been marked as Ex.P1, discloses that he was born on 10.06.2015. The death certificate of parents of the minor child as Ex.P3 and Ex.P4. The death certificates of the maternal grandparents and paternal



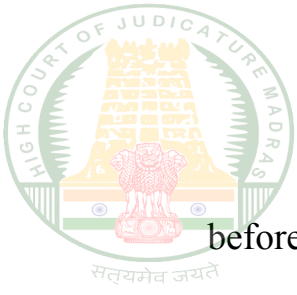
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grandfather of the minor child as Ex.P5 to Ex.P7. The photocopy of the Aadhar of the petitioner as Ex.P8. On perusal of Ex.P4 and Ex.P8, it reveals that the father of the petitioner and the minor's mother are one and the same. Therefore, it can be interfered that the petitioner and mother of the minor are siblings. As evidence of the account of Late G.Shanthi, the photocopy of the Indian Bank passbook standing in the name of the mother of the minor as Ex.P9. The respondent inspite of service of notice on her, has remained absent and kept herself away from this proceedings.

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 property of the minor. G.Dhanvanth and to receive the deposit of Rs.1,511/-,
- (ii) To operate the account by depositing and making payment from a savings bank account for the benefit of the minor child.
- (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



O.P.No.373 of 2024

before the Assistant Registrar (Original Side-II) of this Court.

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18.02.2025

Gba

Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No



O.P.No.373 of 2024

WEB CO **Petitioner's witness:**

P.W.1 - Mr.Y.K.Vasudevan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of minor G.Dhanvanth
Ex.P2	Photocopy of the Aadhaar Card of minor G.Dhanvanth (Compared with the original)
Ex.P3	Computer generated death certificate of Mr.Gopi
Ex.P4	Computer generated death certificate of Mrs.G.Shanthi
Ex.P5	Computer generated death certificate of Mr.T.N.Chinnappan
Ex.P6	Computer generated death certificate of Mr.Y.S.Kesavan
Ex.P7	Computer generated death certificate of Mrs.Y.K.Prema
Ex.P8	Photocopy of PW-1's Aadhaar Card (Compared with the original)
Ex.P9	Photocopy of the Indian Bank Passbook bearing A/c.No.6322756650 standing in the name of Mrs.Y.K.Shanthi (Compared with the original)
Ex.P10	Photocopy of the first page of Indian Bank passbook bearing A/c.No.6998545264 standing in the name of master G.Dhanvanth (Compared with the original)
Ex.P11	PW-1's declaration of willingness to act as guardian
Ex.P12	Certificate under Section 65B of the Indian Evidence Act, 1872

18.02.2025

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O.P.No.373 of 2024

K.KUMARESH BABU,J.

Gba

O.P.No.373 of 2024

18.02.2025