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O.P.No.449 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

CORAM

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

**O.P.No.449 of 2024**

Mrs.Ananthy

...Petitioner

vs.

Mr.Saravanakumar

...Respondent

**PRAYER:** Original Petition filed under Sections 3, 4(4), 7, 8, 9, 10, 17 of Guardians and Wards Act, 1890 read with Order XXI Rule 2 & 3 of Original Side Rule, also read with Section 17 of Letters Patent Act, prays that this Hon'ble Court may be pleased to appoint the petitioner – mother, as guardian of the person of the minor child A.Aditi, born on 20.08.2020, now 4 years old.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Set-exparte

**ORDER**

This petition is presented by the biological mother of the Minor Ms.A.Aditi. By this petition, the petitioner seeks to appoint her as the legal guardian of her Minor daughter Ms.A.Aditi.

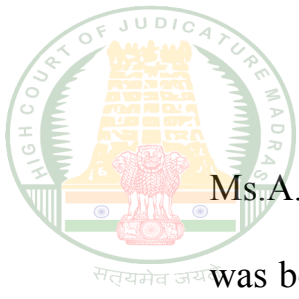
2. The petitioner states that she got married to one Mr.Saravanan who



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is the respondent to this petition, as per the Hindu Rites and Customs on 30.10.2017 and the couple had begotten the said minor child Ms.A.Aditi as their daughter on 20.08.2020. The petitioner submits that the respondent filed a H.M.O.P 182 of 2021 before the Sub Court of Tambaram and a Joint Memo of Compromise was filed by both the parties agreeing for divorce by mutual consent. The petitioner further submits that in accordance with the Joint Compromise Memo, the respondent agreed to the custody of the minor child to be vested with the mother viz the petitioner and the respondent would not claim any visitation rights or the custody of the minor child. After recording the Joint Compromise Memo filed, the Sub Court of Tambaram granted the divorce in H.M.O.P.No.182 of 2021 by order dated 11.09.2023. The petitioner concedes even though the respondent is the natural guardian, he has never shown any interest to even see the minor child since her birth. The petitioner also submits that she has been the only parent who is been taking care of the minor child and the child is very much attached to her. Therefore in the view of the above claims the petitioner humbly prays to be appointed as the legal guardian of the Minor Ms.A.Aditi.

3. The petitioner has examined herself as PW1 and she has produced 6 documents which are marked as Ex.P1 to Ex.P6, which are listed in the foot of this order. The online copy of the Birth Certificate of the Minor child



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Ms.A.Aditi has been marked as Ex.P1 which clearly shows that the minor was born on 20.08.2020 and also establishes that the petitioner is the mother of the minor. The Certified copy of the Order in H.M.O.P. No. 182 of 2021 on the file of Sub Court, Tambaram dated 11.09.2023 has been marked as Ex.P4. The certified copy of the Decretal order in H.M.O.P. No. 182 of 2021 on the file of Sub Court, Tambaram dated 11.09.2023 has been marked as Ex.P5. A perusal of Ex.P5 clearly establishes that the respondent has agreed for the custody of the minor child to be vested upon the petitioner and he has also agreed to the terms that he shall not claim any visitation rights or custody of the minor child Ms.A.Aditi. An Application No. 98 of 2025 was allowed vide the order dated 09.01.2025 permitting the petitioner to complete the service upon the respondent through the substituted mode of paper publication. The general paper publications had been effected and no objection was raised by anyone and the same has been recorded.

4. In spite of the service upon the respondent being completed the respondent chose to keep himself away from the proceedings and therefore respondent was set *ex-parte*.

5. The assertions in the petition have been duly proved by adducing



oral and documentary evidence. In these circumstances, the petitioner is entitled to the relief.

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6. In light of the above deposition made by the petitioner substantiated with the necessary oral and documentary evidences, this original petition is granted and the petitioner is appointed as the sole Legal Guardian of the Minor child Ms.A.Aditi.

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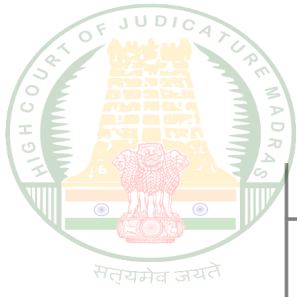
Index :Yes/No

**Petitioner's witness:**

P.W.1 – Mrs.Ananthy

**Documents exhibited by the petitioners:**

| Exhibits | Documents                                                                                                        |
|----------|------------------------------------------------------------------------------------------------------------------|
| Ex.P1    | Online copy of the Birth Certificate (Date of Birth 20.08.2020) of the minor A.Aditi dated 12.01.2024.           |
| Ex.P2    | Photocopy of the Aadhaar Card of the petitioner.(Original produced, compared and returned)                       |
| Ex.P3    | Photocopy of the Aadhaar Card of the minor A.Aditi. (Original produced, compared and returned)                   |
| Ex.P4    | Certified copy of the order in HMOP.No.182 of 2021 on the file of Sub Court, Tambaram dated 11.09.2023.          |
| Ex.P5    | Certified copy of the Decretal order in HMOP.No.182 of 2021 on the file of Sub Court, Tambaram dated 11.09.2023. |
| Ex.P6    | Downloaded copy of the Email requesting for court order                                                          |



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for legal guardian of the minor child.

Affidavit under Section 63 of the Bharatiya Sakshya Adhinyam Act filed for electronic documents.

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**K.KUMARESH BABU, J.**

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