WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.03.2025**

CORAM

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

O.P.No.803 of 2024

Vani …Petitioner

vs.

Nil ...Respondent

PRAYER: Original Petition filed under Sections 3, 7 to 10 and 29 of the Guardian and Wards Act 1890 read with Order XXI Rule 2 and 3 of the Original Side Rules and Clause XVII of Letters Patent Act, prays,

a. To appoint the petitioner, Vani Wife of Late Karunakaran @ Karna and Daughter of Late.Thanigachalam, as the legal guardian of the person and properties of the Minor, Sanjana.

b. To permit the petitioner, Vani wife of Late Karunakaran @ Karna to receive the terminal benefits of deceased, Veni, on behalf of the minor girl, Sanjana, and permit the petitioner to deposit the said amount in an nationalized bank, until the minor girl Sanjana, attains age of majority.

c. To pass such further or other orders as this Hon'ble Court deems fit and proper on the facts and circumstances of the case and thereby render justice.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.S.C.Vishwanth

ORDER

This petition is presented by Mrs.Vani the biological mother of the minor child Minor.K.Sanjana. By this petition, the petitioner seeks to appoint her as the guardian of the person and the properties of the above said minor child K.Sanjana.

2. The petitioner states that she is the biological mother of the above said minor.Ms.K.Sanjana who was born on 27.06.2014. She gave up the said minor for adoption to the deceased Late.Ms.Veni who was also her aunt. The adoption deed dated 23.09.2016 was drawn and the same was registered under deed No.149/2016-17. The deceased late.Ms.Veni who is the adopted mother of the said minor remained unmarried and died on 30.03.2023 leaving behind the said minor.Ms.K.Sanjana as the sole beneficiary of the properties mentioned in the schedule. Therefore, it is necessary to appoint the petitioner herein as the guardian of the person and properties of Minor.Ms.K.Sanjana.

3. The petitioner has examined herself as PW1. She has produced documents from Ex.P1-Ex.P7 as the proof. The certified copy of the death

https://www.mhc.tn.gov.in/judis

WEB COPY

Certificate of late.Ms.A.Veni as Ex.P1. The photocopy of the birth certificate of Minor.K.Sanjana as Ex.P3. The photocopy of the adoption deed dated 23.09.2016 entered between the petitioner and the deceased late.Ms.A.Veni as Ex.P4. The photocopy of the ID card of late.Ms.A.Veni issued by the South Western Railways as Ex.P2. The photocopy of the letter dated 08.05.2023 regarding the death claim settlement of late.Ms.A.Veni addressed to the petitioner from the South Western Railways.

4. On Perusal of Ex.P3 and Ex.P4 its clear that the petitioner is the biological mother and the deceased Late.Ms.A.Veni is the adopted mother of the minor.Ms.K.Sanjana. On perusal of the Ex.P2, EX.P4 and Ex.P5 its clear that the deceased late.Ms.A.Veni is an employee of South Western Railway and the above said minor.Ms.K.Sanjana who is the adopted daughter of the deceased is entitled to properties mentioned in the schedule.

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.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. 5. Accordingly, the original petition is allowed on the following terms;

(i) The petitioner is appointed as the guardian of the person and properties of the Minor.Ms.K.Sanjana,

(ii) The petitioner is permitted to claim and receive the terminal benefits of the deceased Late.Ms.A.Veni on half of the said minor.

(iii) The petitioner is permitted to deposit the said amount from the schedule property in an Nationalized bank, until the minor.Ms.K.Sanjana attains the age of majority.

(iv) File before this Court the copy of the deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

10.03.2025

kak

Index :Yes/No

Petitioner's witness:
P.W.1 – Mrs.Vani

Documents exhibited by the petitioners:

https://www.mhc.tn.gov.in/judis

WEB COPY

Exhibits	***Documents***
Ex.P1	Certified copy of the Death Certificate of Ms.A.Veni
Ex.P2	Photocopy of office ID Card of Ms.A.Veni issued by South Western Railways. (Compared with the original)
Ex.P3	Photocopy of the Birth Certificate of Minor.K.Sanjana. (Compared with the originals)
Ex.P4	Photocopy of the adoption deed dated 23.09.2016 entered into between Mr.Veni Thanikachalam and Ms.A.Veni. (Compared with the original).
Ex.P5	Photocopy of the letter dated 08.05.2023 addressed to me by South Western Railways regarding the death claim settlement of Ms.A.Veni. (Compared with the original).
Ex.P6	Photocopy of the Aadhaar Card of Minor K.Sanjana. (Compared with the original)
Ex.P7	Declaration of my willingness to act as guardian.

10.03.2025

kak

K.KUMARESH BABU, J.

kak

https://www.mhc.tn.gov.in/judis

WEB COPY

O.P.No.803 of 2024

10.03.2025

https://www.mhc.tn.gov.in/judis