



C.M.A.No.1650 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1650 of 2025

1.Minor E.Gopia

2.Minor E.Bharanish

(Both are minors, it is represented
by Selvi as Guardian)

3.Selvi

...Appellants

Vs.

Sumathi

...Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 47 of G.W.Act,
against the order passed in G.W.O.P.No.64 of 2023 dated 18.12.2023 on
the file of the Principal District Judge, Kanchipuram District at
Chengalpattu.

For Appellants : Mr.C.Munuraj

For Respondent : No appearance

J U D G M E N T



C.M.A.No.1650 of 2025

WEB COPY

This appeal is filed by the third appellant (on behalf of the minor appellants 1 and 2) challenging the order dated 18.12.2023 passed in G.W.O.P.No.64 of 2023 on the file of the Principal District Judge, Kanchipuram District, Chengalpattu.

2.For the sake of convenience, the parties are referred to as per their ranking before the Trial Court.

3.The brief facts of the case are as follows:

(i).The petitioners 1 and 2 are minors. The third petitioner is the grandmother of the petitioners 1 and 2 and on behalf of them, she filed a Guardian Original Petition before the Principal District Judge, Kanchipuram District, Chengalpattu. The respondent is the mother of the minor petitioners 1 and 2. In the year 2018, the father of the minor petitioners 1 and 2 viz., R.Elangovan met with an accident and died.

(ii).Thereafter, the respondent went to her father's house and did not return back to the husband's house and also did not take care of the



C.M.A.No.1650 of 2025

minor petitioners 1 and 2 for the last 4 years. According to the third petitioner, she has been taking care of the petitioners 1 and 2 from the date of death of R.Elangovan.

(iii).According to the third petitioner, the respondent got second marriage with one Duraisay on 06.03.2022 and settled with him at Trichy. She filed a petition to appoint her as guardian of the minor petitioners 1 and 2 and also to maintain the amount of the minor petitioners 1 and 2 of Rs.5,21,150/- each.

(iv).The said deposited amount belongs to the minor petitioners 1 and 2. The third petitioner's family has not sufficient income to spend for the minor petitioners 1 and 2 towards education and medical expenses. The Principal District Judge, Kanchipuram District, Chengalpattu dismissed the Guardian Original Petition as the same is not maintainable and it lacks territorial jurisdiction. Aggrieved by the same, the present appeal has been filed.



C.M.A.No.1650 of 2025

WEB COPY

4.Learned counsel appearing for the appellants submitted that the father of the appellants 1 and 2 died in the accident and the mother also married another person and no one is taking care of the minor appellants 1 and 2 except the third appellant. He further submitted that the Trial Court has not applied its legal mind while passing the order and the same is against the principles of natural justice and is liable to be dismissed.

5.Heard learned counsel appearing for the appellants and perused the materials available on record. Though notice has been served and the name of the respondent has been printed in the cause list, there is no representation either in person or through counsel.

6.Before the Trial Court, the third petitioner was examined as PW1 and on the side of the petitioners, 6 documents were marked as Exs.P1 to P6. On the side of the respondent, no oral and documentary evidence were adduced.



C.M.A.No.1650 of 2025

WEB COPY

7. On perusal of records, it is seen that the third petitioner submitted before the Trial Court since the respondent left the minor children and living with her parents, the third petitioner prayed to appoint her as the guardian to manage the amount in the court deposit in Perambalur and to maintain the children. The Trial Court held that the petition is not maintainable as the same shall be filed before Perambalur Court and it lacks territorial jurisdiction. The Trial Court further held that the said petition is liable to be dismissed and accordingly, dismissed the petition.

8. Considering the facts and circumstances of the case, submission made by the learned counsel for the appellants and considering the welfare of the minor appellants, this Court is inclined to appoint Mrs. Selvi, the third appellant herein as the Guardian to maintain the minor children and she is permitted only to receive the interest for the amount in the court deposit in Perambalur for the welfare of the minor children.



C.M.A.No.1650 of 2025

WEB COPY

9.In the result, the Civil Miscellaneous Appeal is allowed.

No costs.

10.It is needless to state that the amount deposited in the name of the minor children shall be maintained till they attain majority.

26.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

pam



WEB COPY



C.M.A.No.1650 of 2025

To

- 1.The Principal District Judge,
Kanchipuram District,
Chengalpattu.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



WEB COPY



C.M.A.No.1650 of 2025

T.V.THAMILSELVI, J.

pam

C.M.A.No.1650 of 2025

26.08.2025