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O.P.No.753 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.03.2025**

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

O.P.No.753 of 2024

Smt.M.Palkees Banu

...Petitioner

PRAYER: Original Petition filed under Section 3, 7, 8, 9, 10 & 29 the Guardian and Wards Act, 1890 r/w Order XXI Rule 2 and 3 of Original Side Rules, praying that this Hon'ble Court may be pleased to

(i) Appoint the petitioner as guardian of the person and property of the minors retained for the said minors.

(ii) Permit the petitioner to receive the Public Provident Fund amount on behalf of the minors and deposit the same in the name of the minors in any nationalized bank until they attain the age of the majority.

(iii) Pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice.

For Petitioner : Mr.S.Senthil Kumar

ORDER

By this petition, the mother of the minors, M.Rafic and M.Rasitha Banu, seeks permission to deal with the minors' share of the property



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belonging to one Moideen Sherif, who was married to the petitioner and begotten two minor children, M.Rafic and M.Rasitha Banu. The said Moideen Sherif died intestate on 26.04.2023 leaving behind his wife, the petitioner and his two minors as his surviving legal heirs. The said legal heirs are entitled to get a share in the property belong to the deceased.

2. The petitioner asserts that the deceased has worked as Security Guard in the Vyasarpadi Co-operative Industrial Estate Ltd. The provident fund was paid by the deceased to the Vyasarpadi Co-operative Industrial Estate Ltd. Hence, the Vyasarpadi Co-operative Industrial Estate Ltd has to disburse the Provident Fund to a tune of Rs.2,86,000/- each to the minor claimants. The petitioner as the mother of the minors is taking care of the minors. It is necessary to appoint the petitioner as guardian of the Minors to receive the Public Provident Fund for the benefit 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, 12 documents listed at the foot of this order were exhibited as Ex.P1 to P12. The birth certificates of Minors has been



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marked as Ex.P1 and Ex.P2, discloses that they were born on 12.06.2007 and 10.03.2009. The death certificate of the father of the minors as Ex.P8. The legal heir certificate of deceased as Ex.P9. As evidence to the entitlement of Provident Fund a letter dated 19.06.2024 addressed by the EPFO to the Managing Director, Vyasarpadi Co-operative Industrial Estate Ltd., regarding the released of EPF and EDLI amount in favour of the minors as Ex.P10.

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 appointed as guardian of the person and property of the minors retained for the said minors.
- (ii) The petitioner to permitted to receive the Public Provident Fund amount on behalf of the minors and deposit the same in the name of the minors in any Nationalised Bank until they attain the age of majority.
- (iii) File before this Court the accounts as regards to the transaction



pursuant to this order and produce the copy of the fixed deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.M.Palkees Banu

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of minor S.Rabik.
Ex.P2	Computer generated birth certificate of minor M.Rishitha Banu.
Ex.P3	Original gas bill for the proof of residence.
Ex.P4	My computer generated family income certificate.
Ex.P5	Photocopy of my Aadhar Card (Compared with the original)
Ex.P6	Photocopy of the Aadhaar card of Minor M.Rafic (Compared with the original)
Ex.P7	Photocopy of the Aadhaar card of minor M.Rishitha Banu. (Compared with the original)
Ex.P8	Computer generated death certificate of Mr.Mohideen Sherif.
Ex.P9	Computer generated legal heir ship certificate of Mr.Mohideen Sherif.
Ex.P10	Photocopy of the letter dated 19.06.2024 addressed by Employees Provident Fund Organization to the Managing Director, the vyasarpadi co-operative industrial estate Ltd



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<i>Exhibits</i>	<i>Documents</i>
	regarding the release of EPF and EDLI amount in respect of Mr.Mohideen Sherif (Compared with the original)
Ex.P11	Declaration of my willingness to act as guardian to the minors.
Ex.P12	Certificate under Section 65 B of the Indian Evidence Act, 1872.

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K.KUMARESH BABU, J.

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