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OP No. 834 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 834 of 2024

1. S.Ramesh and another

S/o. V.Swamy, No.31, Maariamman
Koil Street, Taramani, Chennai 113.

2. Brindha Devi

W/o. S.Ramesh, No.31, Maariamman
Koil Street, Taramani, Chennai 113.

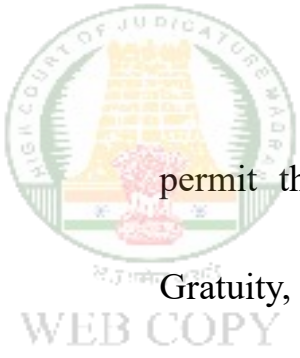
Petitioner(s)

Vs

1. No Respondent

NIL

PRAYER:- This Original Petition has been filed under Sections 3, 7 to 10 and 29 of Guardians and Wards Act, 1890 read with Order XXI Rule (2) and (3) of Original Side Rules praying to (i) appoint and declare that the petitioners 1 and 2 as the lawful guardian of the person and property of the minor child G. Keerthana born on 04.02.2011 till she attains the age of majority and (ii) to



permit the petitioners to receive the death benefits which includes Death Gratuity, leave encashment and Provident Fund subject to any recovery of dues from his account and to permit the petitioners remain as a guardian of the schedule property developed upon the minor child G. Keerthana in the welfare of the minor.

Respondent(s)

For Petitioner(s): M/s.r.Rayeesa Fathima

ORDER

This petition has been filed under Sections 3, 7 to 10 and 29 of Guardians and Wards Act, 1890 read with Order XXI Rule (2) and (3) of Original Side Rules to appoint and declare that the petitioners 1 and 2 as the lawful guardian of the person and property of the minor child G. Keerthana born on 04.02.2011 till she attains the age of majority and (ii) to permit the petitioners to receive the death benefits of the deceased.

2. According to the petitioners, they are the natural guardian of the minor child namely G. Keerthana aged about 13 years. The 1st and 2nd petitioners



legally got married and out of their wedlock, a female child namely

G. Keerthana born on 04.02.2011. The elder brother of the 1st petitioner namely

S. Gopal was residing along with these petitioners, as he was unmarried and he

was working at Indian Institute of Technology (IIT), Chennai. Out of love and

affection, he approached the petitioners and his another brother namely Mr. S.

Selvam to give their consent to give adoption of their children namely G. Sunil

S/o. S. Selvam and R. Keerthana D/o. S. Ramesh, to the deceased. Thereafter,

as per Deed of Adoption dated 20.01.2012 entered into between the petitioners

and the deceased Mr. S. Gopal, the children were given adoption to the deceased

Mr. S. Gopal and the same was published in the Gazette in accordance with law.

The said Mr. S. Gopal died on 14.09.2022. Thereafter, the minor child G.

Keerthana is under the care and custody of these petitioners. The deceased Mr.

S. Gopal, during his lifetime, possessed schedule mentioned property and the

adopted children namely Keerthana and Sunil are entitled to the said property

and to get the service benefits of the deceased, as his legal heirs. The

petitioners, being the natural guardian, are the fit persons to be appointed as

guardian of the person namely minor child G. Keerthana and property. The



petitioners, absolutely have no adverse interest against the minor child.

Therefore, the petitioners have filed this petition.

3. After filing of this petition, this Court directed the petitioners to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and there is no any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioners, they were examined as PW1 and PW2 and Ex.P.1 to Ex.P.11 were marked.

4. This Court also perused the evidence and the entire records.

5. As per the evidences of PW1 and PW2 and the documents Ex.P.1. to Ex.P.11, it is clear that the deceased Mr. S. Gopal is the elder brother of the 1st petitioner namely Mr. S. Ramesh and the said deceased Mr. S. Gopal is unmarried and he adopted the children of his brothers namely Mr. S. Selvam and Mr. S. Ramesh, the 1st petitioner herein and as per the Deed of adoption



dated 20.01.2012, the deceased Mr. S. Gopal is the father of the children namely

Keerthana and Sunil, thereafter, the said Mr. S. Gopal died due to some health

issues leaving behind his mother S. Valliyammal and the children namely G.

Keerthana and G. Sunil as his legal heirs. The petitioners herein are the

biological parents and natural guardians of the minor child namely G.

Keerthana. After the demise of the said Mr. S. Gopal, his mother S.

Valliyammal and the children Keerthana and Sunil are entitled to get the service

benefits and properties of the deceased, as his succeeding legal heirs.

Ms. Keerthana, being a minor, is under the care and custody of the petitioners

herein. Therefore, the petitioners, being the natural guardian, have filed this

petition praying to appoint them as 'guardian' for the person and property of the

minor child Keerthana and to receive the service benefits of the deceased Mr. S.

Gopal, considering the interest of the minor child. There is no any adverse

interest for the petitioners against their child and receiving the service benefits

of the deceased is necessary for the welfare and interest of the minor child.

There is no any objection filed by any party to appoint the petitioners as

guardian of the minor child and to receive the service benefits of the deceased



S. Gopal. Therefore, this petition has to be allowed.

6. In view of the above discussions, this **original petition is allowed under the following terms:**

(i) The petitioners are appointed as guardian for the person and property of the minor child namely G. Keerthana;

(ii) Permission is granted to the petitioners to receive the share of the minor G. Keerthana in the service benefits of the deceased Mr. S. Gopal;

(iii) The share of the minor child G. Keerthana in the death benefits of the deceased, shall be deposited under an interest bearing deposit scheme and the receipt shall be deposited before this Court and the minor G. Keerthana, after attaining the age of majority, shall collect the said amount.

01-12-2025

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Index:Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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APPENDIX:**List of Petitioner side Witnesses:**

PW1 : Mr.S. Ramesh
PW2 : Mrs. Brindha Devi

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	18.10.2024	Online copy of the Birth Certificate of Minor child G.Keerthana.
Ex.P.2	20.01.2012	True copy of the Adoption Deed of G. Keerthana.
Ex.P.3	21.07.2021	True copy of the extract of the adoption published in the Tamil Nadu Government Gazette.
Ex.P.4.	02.01.2023	Photocopy of the Legal Heir Certificate of Mr. S. Gopal.
Ex.P.5	05.07.2024	Photocopy of the Requisition letter from IIT, Chennai.
Ex.P.6	-	Copy of the Aadhar card of the 1 st petitioner.
Ex.P.7	-	Photocopy of the Legal Heir Certificate of V. Sami.
Ex.P.8.	28.07.2021	Photocopy of the Release Deed.
Ex.P.9	-	Photocopy of the Aadhar card of the 2 nd petitioner.
Ex.P.10.	-	Computer generated Death Certificate of



OP No. 834 of 2



Ex.P.11

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Mr. S. Gopal.

Affidavit under Section 63 (4) of B.S.A.

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01.12.2025

P.DHANABAL J.
mjs

OP No. 834 of 2024



WEB COPY

OP No. 834 of 2



01-12-2025