



O.P.No.835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.08.2025**

CORAM

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

O.P.No.835 of 2024

K.Sriram Kumar

...Petitioner

vs.

1.K.Lakshmi

2.Mrs.Harikanthi Kalavathi

...Respondents

PRAYER: Original Petition filed under Section 7 to 10 of the Guardian and Wards Act, 1890, read with Order XXI Rule 2 and 3 of O.S.Rules and Clause XVII of Letters Patent Act, praying to:-

a. Appoint the petitioner herein as the guardian of the person of the minor B.Vasandhakumar.

b. Grant Permanent Custody of the minor B.Vasandhakumar to the petitioner herein.

For Petitioner : Mr.D.Daniel

For Respondents : No appearance (For R1 & R2)
(Served)



O.P.No.835 of 2024

ORDER

WEB COPY This petition is presented by the uncle of the minor Master.B.Vasandhakumar. The petitioner is the brother-in-law to one Mr.K.Balamurugan, who is the father of the above said minor. The aforesaid Mr.K.Balamurugan and the petitioner's wife one Mrs.S.Ayyammal are siblings. The first respondent is the paternal grandmother of the above said minor and is also the mother-in-law of the petitioner. The second respondent is the mother of the Minor.B.Vasandhakumar. By this petition, the petitioner seeks to appoint him as the guardian of the person of the Minor.B.Vasandhakumar and grant him the permanent custody of the said minor.

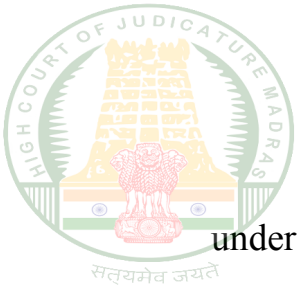
2. The petitioner states that one Mr.K.Balamurugan was married to the second respondent and the couple had begotten one Ms.Varalakshmi and Minor.B.Vasandhakumar, the said minor herein, as their children out of the wedlock. The petitioner submits that, unfortunately his brother-in-law and the father of the minor, Mr.K.Balamurugan, died of committing suicide on 03.06.2019. The petitioner further submits that the his mother-in-law, the first respondent herein, took care of Minor.B.Vasandhakumar after the death of Late.Mr.K.Balamurugan, the minor's father herein, whereas the 2nd respondent and the mother of the said minor left the



O.P.No.835 of 2024

home along with her daughter and the sister of the aforesaid minor, Ms.Varalakshmi, who was also minor at that time and 2nd respondent had gotten remarried.

3. The petitioner submits that he along with wife Mrs.S.Ayyammal wished to legally adopt the Minor.B.Vansandhakumar, as they were not blessed with any children of their own. Owing to her old age and the financial difficulties the 1st respondent, the paternal grandmother of the minor herein, readily agreed for the above said adoption. The petitioner asserts that initially the mother of the minor, the 2nd respondent herein, had agreed to give her son Minor.B.Vansandhakumar for adoption and had executed an unregistered Deed of Adoption dated 17.05.2022, infavour of the petitioner and his wife, Mrs.S.Ayyammal. However, subsequently the 2nd respondent did not come forward to register the above said Adoption Deed. The petitioner submits that he has been absolutely taking care of the above said Minor.B.Vasandhakumar, right from the death of his father Late.K.Balamurugan and the estrangement from his mother, the 2nd respondent herein. The petitioner further asserts that he is in a financially stable position to provide the best education and absolutely care for the welfare of the minor, the petitioner further



O.P.No.835 of 2024

WEB COPY

undertakes that he shall not claim any amounts from the respondents in future for the maintenance of the Minor.B.Vasandhakumar. Therefore taking into account the welfare and the best interests of the minor, the petitioner prays to be appointed as the guardian of the Minor.B.Vasandhakumar.

4. The petitioner has examined himself as PW1. He has produced five documents to support his deposition which are listed as Ex.P1 to Ex.P5 at the foot of the order. The photocopy of the birth certificate of the Minor.B.Vasandhakumar has been marked as Ex.P1 and the perusal of the same shows that the said minor was born on 25.03.2015. The computer generated death certificate of Late.Mr.K.Balamurugan, the deceased father of the minor has been marked as Ex.P2. The photocopy of the adoption deed dated 17.05.2022 executed by the 2nd respondent in favour of the petitioner and his wife, Mrs.Ayyammal has been marked as Ex.P3. The photocopy of the Aadhar Card of the petitioner and the photocopy of the School id card of the minor.B.Vasandhakumar, have been marked as Ex.P4 and Ex.P5 respectively. The perusal of the Ex.P3, the unregistered adoption deed shows that the 2nd respondent was willing to give the Minor.B.Vasandhakumar up for adoption to the petitioner and his wife, substantiating the claim made in the petition. The



O.P.No.835 of 2024

consent affidavit of the 1st respondent dated 16.09.2024, expressing her consent to appoint the petitioner as the guardian of the Minor.B.Vasandhakumar and grant him the permanent custody of the minor has been filed.

5. The respondents 1 and 2 were set *ex-parte* vide order dated 04.08.2025, as there was no representation on behalf of both the respondents, neither in person nor through the counsels, in spite of the notices being served upon them.

6. 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.

7. Considering the above said depositions made along with the oral and documentary evidences produced to support the averments, the original petition is hereby allowed. Accordingly the following stands allowed:

(i) The petitioner is appointed as the guardian of the person of the Minor.B.Vasandhakumar.



O.P.No.835 of 2024

(ii) The petitioner is granted the Permanent Custody of the

Minor.B.Vasandhakumar.

25.08.2025

kak

Index :Yes/No

Petitioner's witness:

P.W.1 - Mr.K.Sriram Kumar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the birth certificate of the minor child, Vasandhakumar who born on 25.03.2015.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Computer generated copy of the death certificate of Mr.K.Balamurugan who died on 03.06.2019.
Ex.P3	Photocopy of the adoption deed dated 17.05.2022 executed by the mother Mrs.Harikandhi Kalavathy of the minor child Vasandhakumar in favour of the petitioner and his wife. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the Aadhaar Card of the petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Photocopy of the School ID Card of the minor child, Vasandhakumar.
	Consent affidavit of the 1 st defendant is filed stating that she has no objection in appointing the petitioner, K.Sriram Kumar, as a guardian for the minor child Vasandhakumar and to grant permanent custody of the minor child Vasandhakumar.

25.08.2025

kak



WEB COPY



O.P.No.835 of 2024

K.KUMARESH BABU,J.

kak

O.P.No.835 of 2024

25.08.2025