



WEB COPY



O.P.No.770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

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T.John Peter

... Petitioner

Versus

R.Mary Helan Priya

... Respondent

Prayer: Petition for appointment of a guardian under Sections 3, 7 to 10 and 25 of the Guardians & Wards Act 1890 r/w Order XXI Rule 2 & 3 of the Original Side Rules, prays for (a) to appoint the petitioner as legal guardian of the minor children namely (Male Child) Jason Abner Marcus, aged about 14 years, and a female child namely (Female Child) Judy Shirley Jemimah, age about 7 years. (b) and Grant permanent custody of the persons herein

For Petitioner : Mr.S.Elankumaran

For Respondent : No appearance

ORDER

This petition is filed by the father seeking guardianship of two minor children. The mother, who is the respondent, had earlier entered an appearance, but her counsel has withdrawn since appearance. Thereafter, this Court has



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issued a notice through paper publication inviting objections, however, no objections have been received.

2. According to the petitioner, he and the respondent got married on 15.09.2004. They have two children, a son born on 06.08.2009, and a daughter born on 10.11.2016, who are presently 14 and 7 years old respectively. The petitioner went to Bahrain for his avocation, during which time, the respondent developed an aversion. On the petitioner's return to India, marital discord led to their separation on 04.07.2022. The respondent left the minor children with the petitioner and deserted him. In these circumstances, the father is seeking guardianship of the minor children.

3. The petitioner has mounted the witness box and examined as PW.1. 8 exhibits were marked to prove the marriage, the children's births and the criminal proceedings initiated against the respondent in Bahrain for child assault.

4. Considering the evidence and non participation of the respondent/mother in the proceedings, this Original Petition to grant guardianship of the two minor child is allowed.



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Index: Yes/No

Internet: Yes

Speaking/Non Speaking

rpl



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DR.G.JAYACHANDRAN, J.

rpl

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