



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 390 of 2025

Kanaga Lakshmi P
D/o. Shri.Ponraj,
60 V V Kovil Street, Tiruvaleeswarar Nagar,
V.V.Koil street, Anna Nagar West,
Chennai 600 040.

..Petitioner

Vs

K.S.Vijayaraaghavan
S/o. Shri Srinivasan,
No.6/8, F-1, Navins Indra Prastha,
Umapathy Street,
West Mambalam, Chennai 600 033.

..Respondent

PRAYER:

This Original Petition is filed under Sections 3,7 to 10 and 25 of Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, praying a) to appoint the petitioner as the Guardian of the person of minor via Ms.Aindrithaa K.V b) To grant custody and guardianship of the minor daughter exclusively to the petitioner.

For Petitioner(s):

M/s.L.Maithili

For Respondent(s):

No appearance



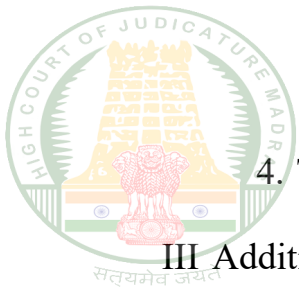
ORDER

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This Original Petition has been filed under Sections 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890, seeking appointment of the petitioner, Kanaga Lakshmi P, as the guardian of the person of her minor daughter, Aindrithaa K.V, born on 16.06.2017, and to Grant Custody exclusively to the Petitioner.

2. The petitioner is the mother of the minor child. The respondent is the father of the minor child. The marriage between the petitioner and the respondent was solemnized on 04.12.2016 at Parthasarathy Koil, Triplicane, Chennai, as per Hindu rites and customs. Out of the said wedlock, the minor female child Aindrithaa K.V was born on 16.06.2017.

3. According to the petitioner, the matrimonial life between the petitioner and the respondent was not peaceful. The petitioner has stated that she was subjected to cruelty and physical abuse by the respondent. It is her case that the respondent was addicted to consuming excessive amounts of marijuana/ganja and that, under such influence, he used to develop psychotic episodes, hallucinations and violent behaviour. The petitioner has stated that the minor child should not be exposed to the respondent's alleged abusive behaviour and unstable temperament.



4. The petitioner has produced the order dated 29.11.2024 passed by the III Additional Principal Family Court, Chennai, in H.M.O.P.No.2521 of 2024.

The said divorce petition was filed by the petitioner against the respondent under Sections 13(1)(i-a) and 13(1)(iii) of the Hindu Marriage Act, 1955, seeking dissolution of marriage on the grounds of cruelty and unsoundness of mind. In the said proceedings, the respondent remained absent and was set ex parte. The Family Court partly allowed the petition and dissolved the marriage between the petitioner and the respondent on the ground of cruelty. However, insofar as the ground of unsoundness of mind was concerned, the said ground was dismissed.

5. In the present Original Petition, notice was ordered to the respondent. Since service could not be completed in the ordinary course, the petitioner filed A.No.5229 of 2025 seeking permission to effect substituted service. By order dated 25.10.2025, the learned Master allowed the said application and permitted the petitioner to effect service by paper publication. Thereafter, by order dated 28.11.2025, the petitioner was directed to effect general paper publication in one Tamil daily and one English daily, mentioning the hearing date as 12.01.2026.

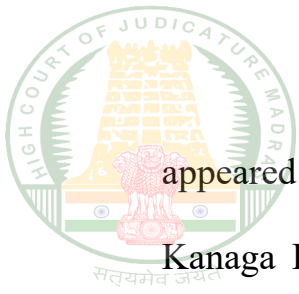
6. Pursuant to the said order, paper publication was effected in “Trinity Mirror” English daily on 24.12.2025 and in “Makkal Kural” Tamil daily on



28.12.2025. An affidavit of service was filed. On 24.02.2026, the learned Master verified the affidavit of service and recorded that service had been completed. The learned Master also called for objections from any party in open Court and recorded that no objection was raised. On 01.06.2026 the Master recorded that the respondent has already set exparte.

7. The petitioner examined herself as P.W.1 before the learned Master on 01.06.2026 marked the original photograph of the petitioner with the respondent as Ex.P1, the computer generated birth certificate of the minor Aindrithaa K.V as Ex.P2, photocopies of prescriptions of medicines prescribed in the name of the respondent as Ex.P3 series, photocopy of the medical records of the respondent as Ex.P4, the true copy of the order passed by the III Additional Principal Judge, Family Court, Chennai, in H.M.O.P.No.2521 of 2024 as Ex.P5, photocopy of her Aadhaar card as Ex.P6 and certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023 as Ex.P7. The petitioner has also filed a declaration of willingness to act as guardian of the minor child.

8. In the present case, the minor child is a female child aged about nine years. The materials placed before this Court show that the minor child has been in the care and custody of the petitioner/mother. The petitioner has stated that she has been taking care of the health, safety and welfare of the minor child and that the child is willing to reside with her. The respondent/father has not



appeared before this Court despite substituted service. Thus, the petitioner, Kanaga Lakshmi P, is appointed as the guardian of the person of the minor child, Aindrithaa K.V, born on 16.06.2017, and the custody of the minor child shall remain with the petitioner.

9. Accordingly, this Original Petition is allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Petitioner's witness:

P.W.1 –P.Kanaga Lakshmi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Photograph of the petitioner with the respondent
Ex.P2	Computer generated birth certificate of the minor Aindrithaa.K.V
Ex.P3(series 4 Nos)	Photocopy of the prescription of medicines prescribed standing in the name of the respondent
Ex.P4	Photocopy of the medical records of the respondent
Ex.P5	True copy of the order passed by III Additional Principal Judge, Family Court, Chennai in HMOP No.2521 of 2024
Ex.P6	Photocopy of Aadhaar Card
Ex.P7	Certificate under Section 63(4)© of BSA

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DR.A.D.MARIA CLETE, J.

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