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OP No. 475 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 475 of 2025

1. Dharmalingam S and another
S/o, Seethapathy, Residing at, Old No.
23, New No. 40, Battachari Street,
Ayanavaram, Chennai - 600 023. and
another

2. Indira Mani
W/o, Dharmalingam, Residing at, Old
No. 23, New No. 40, Battachari Street,
Ayanavaram, Chennai - 600 023.

Petitioner(s)

Vs

1. No Respondent
Nil

Respondent(s)

PRAYER: This application has been filed under Sections 3, 7, 10 and 25 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules read with Clause 17 of the Letter Patterns Act to appoint and declare the Petitioners as the Legal Guardians of the minor children namely D. Aadhan Boy Child, D. Aadhirai (girl child) born on for all legal, domestic, and international purposes including passport, visa, and immigration processing.

For Petitioner(s): M/s.R.Abirami



ORDER

This petition has been filed to appoint and declare the petitioners as the legal guardians of the minor children viz., (1) D. Adhan and (2) D. Adhirai for all legal, domestic and international purposes including Passport, Visa and immigration processing.

2. According to the petitioners, they are the husband and wife and their marriage was solemnized on 09.03.2015. Both the petitioners underwent Assisted Reproductive Technology (IVF) at GG Hospital Fertility Research and Women Speciality Center, Nungambakkam. Pursuant to the said treatment, minor children namely Aadhan and Aadhirai were born on 01.05.2023 to the petitioners. The Hospital has issued a certificate dated 20.10.2023 explicitly stating that the children born to the petitioners via IVF with an unknown donor and confirmed that the donor's identity is legally protected and not disclosed, that the petitioners are the intended and only lawful parents of the children, that the hospital holds no further claim or involvement in the children's custody or guardianship and that the birth of the children is medically and ethically complied with law. The children are under the care and custody of the petitioners. They are the true and biological parents of the minor children. The father of the children, the 1st petitioner herein, is employed in a Sheet Metal Engineering Industry and he is financially stable and capable of providing a



proper and secured future for the minor children. The petitioners have no adverse interest against the minor children. They require legal guardianship solely to fulfil requirements for Visa proceedings, passport application and international immigration.

3. After filing of this petition, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.10 were marked.

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

5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.10, they revealed that the petitioners are the husband and wife and a boy and girl children born to them through IVF treatment. The hospital, where the treatment was given to the petitioners, has certified that the petitioners had a successful IVF treatment in the said hospital, that the 2nd petitioner conceived twins and that the 2nd petitioner delivered twins on 01.05.2023. The petitioners are the parents of the minor children and the children are now under the care and custody of the petitioners. They have no any adverse interest against the minor children and therefore, they can be appointed as guardians of the minor children in their best interest.



6. In view of the above said observations, this **original petition is allowed and the petitioners are appointed and declared as 'guardians' of the person and property of the minor children namely D. Aadhan and D. Aadhirai till their attaining age of majority.**

06-01-2026

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. Dharmalingam

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Computer generated birth certificate of Minor son D. Aadhan.
Ex.P.2	-	Computer generated birth certificate of minor daughter D. Aadhirai.
Ex.P.3	-	Affidavit filed by PW1 under Section 63 (4) of B.S.A. for Ex.P.1 and Ex.P.2.
Ex.P.4.	12.03.2015	Photocopy of extract of marriage of the petitioners issued by the Sub-Registrar, Anna Nagar, Chennai-600 040.
Ex.P.5	-	Photocopy of PW1's Aadhar Card.
Ex.P.6	-	Photocopy of Aadhar Card of the 2 nd petitioner.
Ex.P.7	13.05.2025	Photocopy of the Certificate issued by GG Hospital, Chennai-600 034 to the 2 nd petitioner.
Ex.P.8	06.05.2023	Photocopy of the discharge summary issued by GG Hospital, Chennai-600 034 to the 2 nd petitioner.
Ex.P.9	-	Online printout of request check list and details from the website of Australian Embassy.
Ex.P.10	-	Certificate filed by PW1 under Section 63(4) of B.S.A. for Ex.P.9.

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