



WEB COPY



OP No. 630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 630 of 2024

Kirthika
D/o. Poovaiah,
Casuarina 907, Eden Park, Phase 1,
M.R.Radha Main Road,Navalur,
Kancheepuram 603 103.

..Petitioner(s)

Vs

R.Satheesh Kumar
S/o. V.Rajendran (Postal Dept),
34/3, West Street,
South Thittankulam,
Kovilpatti 628 502.

..Respondent(s)

Prayer: Petition filed Sections 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890 r/w Order XXI Rules 2,3 of O.S.Rules Clause XVII of Letters Patent Act to declare the petitioner herein as the sole Guardian of the person of the minor child, Jaividyuth, born on 16.08.2016 now aged about 8 years and grant permanent custody of minor child.

For Petitioner(s): Mr.T.Zahir Hussain

For Respondent(s): Sole Respondent – No appearance

ORDER

This petition has been filed under Section 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890 r/w Order XXI Rules 2,3 of O.S.Rules Clause XVII of Letters Patent Act praying (i) to declare the petitioner herein as the



OP No. 630 of 2024

sole Guardian of the person of the minor child, Jaividyuth, born on 16.08.2016 now aged about 8 years and (ii) grant permanent custody of minor child.

2. According to the petitioner, the marriage between the petitioner and respondent was solemnised on 13.05.2013 and out of the said wedlock, two male children, viz., Tharun Rithvik was born on 20.04.2014 and Jaividuyuth was born on 16.08.2016. Since there was a misunderstanding between the petitioner and the respondent, the petitioner approached the family court and the decree of divorce was granted on 22.12.2017. Thereafter, the petitioner married one Dinesh Babu Ramasamy on 01.06.2023 and the same was registered on 09.11.2023. Since for all the government records of the minor Child Jaividuyuth, the government officials need the father's signature in all the applications more particularly for Aadhar, passport and the petitioner is unable to get the government records for the development of the child and the petitioner is not aware where the respondent is staying at present, further, the respondent never visited the child, therefore, the petitioner has come up with this petition seeking to declare herself as permanent custodian of the minor son.

3. After filing of this petition, notice was ordered through Court and the Court Summons were returned with an endorsement that the respondent is



OP No. 630 of 2024

not residing in the said address and left India. Therefore, the petitioner has filed an Application No.5894 of 2025 seeking substituted service to the respondent through paper publication and the same was allowed by this Court vide order dated 25.11.2025. Thereafter, paper publication was effected and despite the paper publication, the respondent did not appear and no objection has been received from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.6 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.6, they revealed that the petitioner and the respondent were married and now decree of divorce was obtained by the petitioner. Ex.P.2, Birth certificate of minor S.Jaividyuth shows that the petitioner is the mother and Ex.P.3, certified copy of the order dated 22.12.2017 showing decree of divorce. The children are now under the care and custody of their mother, the petitioner herein. The father of the children, respondent is not present and a decree of divorce was obtained by the petitioner 22.12.2017 and the petitioner being the mother, is the only care-taker of her children. There is no adverse interest against the minors and the petitioner is seeking to appoint herself as guardian to the



OP No. 630 of 2024

minor child Jaividuth for the welfare and interest of minor son. Therefore, in the interest of minor son, this petition has to be allowed.

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

(i) The petitioner / mother is appointed as a 'guardian' for the minor children Jaividyuth till he attains the age of majority.

(ii) The petitioner is also granted permanent custody of the minor child Jaividyuth, till he attains the age of majority.

19.02.2026

Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. Kirthika

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Certified copy of petitioner's marriage invitation
Ex.P.2	-	Photocopy of the birth certificate of Minor S.Jaividyuth
Ex.P.3	22.12.2017	Certified copy of the order dated 22.12.2017 in HMOP No.189 of 2017 passed by the Subordinate Court, Kovilpatti



OP No. 630 of 2024

Ex.P.4.		Photocopy of the identify card of the Jaividyuth issued by Shraddha Children's Academy
Ex.P.5	-	Photocopy of the 2 nd marriage certificate of the petitioner
Ex.P.6	-	Photocopy of Aadhar card of the petitioner

19-02-2026



WEB COPY



OP No. 630 of 2024

P.DHANABAL, J.

ssd

OP No. 630 of 2024

19-02-2026