

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DINDIGUL

**Present : Thiru.Swarnam J Rajagopalan,B.A.B.L.,(Hons)
Additional District Judge, Dindigul.**

Wednesday, the 18th day of February 2026

G.W.O.P.No. 1/2025

Anusuya

... Petitioner/Guardian

/Vs/

1.District Collector, Dindigul District, Dindigul.

2.Nageswari

... Respondents

This petition came up for final hearing on 07.02.2026 in the presence of Thiru. B. Gnanavinothan, learned counsel for the petitioner, Thiru. S. Soosai Robert, learned counsel for the first respondent, and Thiru. P. Thavaraj, learned counsel for the second respondent. Though sufficient opportunities were granted to Respondents 1 and 2 to file their counter-affidavit, an endorsement has been made by their learned counsel stating “No Counter.” Upon perusal of the petition, the oral and documentary evidence adduced on the side of the petitioner, and upon consideration of the materials available on record, this Court proceeds to pass the following:

ORDER

This petition has been filed under Sections 10 and 17 of the Guardian and Wards Act seeking appointment of the petitioner, Tmt. N. Anusuya, as the legal guardian of the minor children, namely Saiyazhisai and Balachiranjeevi.

2. Brief averments of the petition:

(i) The petitioner is the wife of late Natarajan and the maternal grandmother of the minors Saiyazhisai and Balachiranjeevi. The minors are the children of late Sivadharshini

(daughter of the petitioner) and late Manikandan. Their marriage was solemnized in the year 2014, and out of the wedlock, two children were born, namely: (1) Saiyazhisai, born on 22.08.2016; and (2) Balachiranjeevi, born on 20.03.2019.

(ii) It is stated that both the father and mother of the minors passed away on 02.03.2024. Consequently, the minors were left without parental care and protection. The petitioner submits that since the demise of the parents, she has been taking care of the minors, attending to their daily needs, education, and overall welfare.

(iii) The petitioner further submits that the second respondent, who is the paternal grandmother of the minors, is not in a financial position to maintain and support the children. The petitioner asserts that she is physically and financially capable of taking care of the minors and intends to secure their educational and financial future, including by opening savings accounts in their names.

(iv) The petitioner has also averred that no other petition seeking similar relief has been filed or is pending before any other Court. She undertakes to abide by any conditions that may be imposed by this Court in the interest of the minors and prays for issuance of a Guardianship Certificate in her favour.

3. Respondents appeared through the counsel and though sufficient opportunities were granted to Respondents 1 and 2 to file their counter-affidavit, an endorsement has been made by their learned counsel stating “No Counter.”

4. Point for consideration:

1. Whether the petitioner is entitled to be appointed as the legal guardian of the minor children, Saiyazhisai and Balachiranjeevi?

5. Evidence:

On the side of the petitioner, the petitioner examined herself as P.W.1 and marked Exs. P1 to P12. One Muruganantham was examined as P.W.2 and Paramasivam was examined as P.W.3. No documentary evidence was marked through P.W.2 and P.W.3. There is no oral or documentary evidence on the side of the respondents. Ex.P1 & Ex.P2 - Birth Certificates of the minors; Ex.P3 & Ex.P4 - Aadhaar Cards of the minors; Ex.P5 - Aadhaar Card of the petitioner; Ex.P6 - Aadhaar Card of the minors' mother; Ex.P7 - Death Certificate of the minors' mother; Ex.P8 - Aadhaar Card of the minors' father; Ex.P9 - Death Certificate of the minors' father; Ex.P10 - Legal Heir Certificate of the minors' father; Ex.P11 & Ex.P12 - School Bonafide Certificates of the minors.

6. The documentary evidence establishes the relationship between the petitioner and the minors and confirms the demise of both parents from Ex.P7 and Ex.P9.

7. Discussion and finding:

It is undisputed that both the mother and father of the minors passed away on 02.03.2024 as evident from Ex.P7 and Ex.P9 leaving the children without natural guardians. The petitioner, being the maternal grandmother, has stepped into care for the minors and has been providing for their maintenance, education and welfare. Under Section 17 of the Guardian and Wards Act, while appointing a guardian, the Court is required to consider the welfare of the minor as the paramount consideration. The welfare of the child includes not merely material well-being but also moral, educational and emotional security.

8. In the present case, the petitioner has established her relationship with the minors and the factum of the parents' demise through cogent documentary evidence. There is no opposition from the respondents, and no material has been placed before this Court to show that the petitioner is unfit or unsuitable to be appointed as guardian. On the contrary, the evidence indicates that she has been taking care of the minors since the unfortunate demise of their parents.

9. Having regard to the totality of circumstances and bearing in mind that the welfare of the minors is of paramount importance, this Court is satisfied that appointment of the petitioner as guardian would best serve the interests of the minor children.

Accordingly, the point for consideration is answered in favour of the petitioner.

In the result, this petition is allowed. The petitioner, Tmt. N. Anusuya, is appointed as the legal guardian of the minor children, Saiyazhisai and Balachiranjeevi. In the circumstances of the case, there shall be no order as to costs.

Dictated to steno-typist and directly typed by her in the computer, corrected and pronounced by me in open Court this 18th day of February 2026.

Additional District Judge,
Dindigul

Annexure:

List of witness examined on the side of the petitioner:

P.W.1 Tmt. Anusuya (Petitioner)
P.W.2 Thiru. Muruganantham
P.W.3 Thiru.Paramasivam

List of documents marked on the side of the petitioner:

Ex.P.1	22.08.2016	Birth certificate of minor Saiyazhisai(Copy)
Ex.P.2	20.03.2019	Birth certificate of minor Balachiranjeevi(Copy)
Ex.P.3	--	Aadhaar identity of minor Saiyazhisai(Compared with Original).
Ex.P.4	--	Aadhaar identity of minor Balachiranjeevi(Compared with Original).
Ex.P.5	--	Aadhaar identity of Petitioner/Guardian N.Anusuya (Compared with Original)
Ex.P.6	--	Aadhaar identity of Minor's Mother(Copy)
Ex.P.7	02.03.2024	Death Certificate of Minor's Mother Shivadharsini (Computer Downloaded copy)
Ex.P.8	--	Aadhaar identity of Minor's Father(Copy)
Ex.P.9	02.03.2024	Death Certificate of Minor's Father Manikandan (Computer Downloaded copy)
Ex.P.10	04.04.2024	Legal Heir Certificate of Minor's Father Manikandan (Computer Downloaded copy)
Ex.P.11	--	School Bonafide certificate of minor Saiyazhisai (Original)
Ex.P.12	--	School Bonafide certificate of minor Balachiranjeevi(Original)

List of witnesses and Exhibits examined on the side of the Respondents :**-Nil-**

**Additional District Judge,
Dindigul**