



IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DINDIGUL

Present : Thiru.Swarnam J Rajagopalan,B.A.B.L.,(Hons)

Additional District Judge, Dindigul

Friday, this the 5th day of June 2026

H.M.G.W.O.P. No.80/2023

(CNR.No.TNDG01-0004480-2023)

(Guardian W.O.P. In the matter of Minor child Sridhanya, born on 11.08.2016,
aged 9 years)

Mrs.Meenakshi

..Petitioner

-Vs-

Mr.Ramprakash

...Respondent

This petition came up on 02.06.2026 for final hearing before me in the presence of Thiru.A.Nelson and Thiru.P.Karthikraja, the learned counsels appeared for the petitioner. Tmt.S.Manimegalai, the learned counsel appeared for the respondent, later he did not appeared and not filed the counter statement, hence the respondent was called absent and set ex-parte on 11.07.2025 and upon hearing the arguments of the petitioner's side, and upon perusal of the written arguments of the petitioner side, and upon perusal of case records and having stood over to this day for consideration this Court passed the following

ORDER

This petition has been filed by the petitioner under Section 6(a) of Hindu Minority Guardian and Wards Act 1890, to appoint the petitioner as the lawful guardian of the minor female child, Sridhanya, and direct the respondent to hand over

the custody of the said minor child to the petitioner.

2. Brief averments of the petition is as follows:-

I. The petitioner is the legally wedded wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 03.08.2015 as a love marriage in accordance with Hindu rites and customs. Out of the said wedlock, a female child, namely Sridhanya, was born on 11.08.2016.

II. The petitioner contends that, after a brief period of cordial marital life, the respondent became addicted to alcohol and narcotic substances, neglected his familial responsibilities, subjected the petitioner and the minor child to physical and mental cruelty, and failed to provide maintenance and support to the family. Owing to the respondent's conduct and apprehending danger to their safety and well-being, the petitioner left the matrimonial home and commenced residing separately at Dindigul along with the minor child and her mother. The minor child was thereafter admitted to a school at Dindigul and was pursuing her education there.

III. According to the petitioner, on 27.06.2023, the respondent allegedly removed the minor child from her school without the knowledge or consent of the petitioner and has since retained custody of the child. The petitioner states that complaints were lodged before the police authorities, the District Administration and the Child Helpline; however, no effective action was taken thereon.

IV. The petitioner further alleges that the respondent is addicted to alcohol and narcotic substances, has no stable source of income, is leading an irresponsible

lifestyle, and is not in a position to properly maintain, educate or safeguard the welfare of the minor child. It is further alleged that the respondent has threatened the petitioner and that the safety, education and future welfare of the minor child are at risk while she remains in the respondent's custody.

V. The petitioner states that she is employed as a Home Nurse, is financially capable of maintaining the minor child, and is in a position to provide a stable, secure and conducive environment for the child's upbringing and education. The petitioner further contends that, having regard to the age and gender of the child, the minor female child would be better cared for under her custody and guardianship.

VI. Hence, the petitioner has filed the present petition under Section 6(a) of the Hindu Minority and Guardianship Act, 1956 read with the provisions of the Guardians and Wards Act, 1890, seeking her appointment as guardian of the person of the minor female child, Sridhanya, and for consequential custody of the child, contending that such an arrangement would be in the paramount welfare and best interests of the minor.

3. The respondent entered appearance through counsel. Though sufficient opportunities were granted to the respondent to file a counter affidavit, no counter was filed. Consequently, the respondent was called absent and set *ex parte* on 11.07.2025.

4. Point for Consideration :-

The following point arises for consideration in this petition is,

Whether the petitioner, being the mother of the minor child Sridhanya, is a fit and proper person to be appointed as the guardian of the person of the minor child and to be granted custody thereof under the provisions of the Guardians and Wards Act, 1890?

5. Evidence:-

On the side of the petitioner, the petitioner namely Mrs. Meenakshi, was examined as PW1. Three documents were marked on her side as Ex.P1 to Ex.P3. No oral or documentary evidence was adduced on behalf of the respondent.

The documents marked on the side of the petitioner are as follows:-

- Ex.P1 – Xerox copy of the Birth Certificate dated 11.08.2016 pertaining to the minor female child, Sridhanya.
- Ex.P2 – Xerox copy of the Aadhaar Card of the minor child, Sridhanya.
- Ex.P3 – Xerox copy of the Aadhaar Card of the petitioner.

6. Discussion and Findings:-

Heard. Records perused.

I. The petitioner examined herself as PW1 and reiterated the averments set out in the petition. The testimony of PW1 remains unchallenged and unrebutted. Ex.P1, the Birth Certificate of the minor child, establishes that the petitioner is the biological mother of the minor female child, Sridhanya, born on 11.08.2016. The relationship between the parties and the parentage of the child stand proved and remain undisputed.

II. It is a settled principle of law that in matters relating to guardianship and custody of a minor child, the paramount consideration is the welfare and best interests of the child. The welfare of the child encompasses not merely physical comfort and financial security, but also her moral upbringing, emotional well-being, educational development, safety and overall growth.

III. In the present case, the petitioner has deposed that she is employed as a Home Nurse and is financially capable of maintaining the minor child. She has further stated that, she is in a position to provide proper education, care, protection and a stable environment conducive to the child's upbringing and development. There is no material available on record to discredit or disbelieve the testimony of the petitioner.

IV. Though the respondent entered appearance through counsel, he has neither filed a counter statement nor adduced any oral or documentary evidence in support of his case. Consequently, the evidence adduced on behalf of the petitioner remains uncontroverted and unrebutted. An adverse inference is liable to be drawn against the respondent for his failure to contest the claim despite having been afforded sufficient opportunity.

V. The minor child is a female child aged about nine years. Having regard to her tender age and the paramount consideration of her welfare, this Court is of the view that the care, affection, guidance and protection of the mother would be essential for her healthy physical, emotional and educational development. The petitioner and the minor child were present in court on 02.06.2026 and the petitioner appears to be a fit

and proper person to be appointed as guardian of the person of the minor child.

VI. Upon a careful consideration of the pleadings, the oral evidence of PW1, the documentary evidence marked as Ex.P1 to Ex.P3 and the overall facts and circumstances of the case, this Court is satisfied that the welfare and best interests of the minor child would be best served by appointing the petitioner as guardian and by entrusting the custody of the minor child to her. Accordingly, the point for consideration is answered in favour of the petitioner.

7. Result:-

In the result, the petition is allowed. The petitioner, Mrs. Meenakshi, is appointed as the guardian of the minor female child, R Sridhanya, and is entitled to the custody of the said minor child. The respondent is directed to hand over the custody of the minor child, R Sridhanya to the petitioner within a period of four weeks from the date of receipt of a copy of this order, if not already handed over. In the circumstances of the case, there shall be no order as to costs.

Dictated to the stenographer, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 5th day of June, 2026.

**Additional District Judge,
Dindigul**

Annexures:

List of Witness examined on the side of the petitioner:

P.W.1 - Tmt.Meenakshi (Petitioner)

List of Documents marked on the side of the petitioner:

Ex.P1	11.08.2016	Birth Certificate of the minor female child Sridhanya – Xerox copy
Ex.P2	--	Aadhaar card of the minor child Sridhanya – Xerox copy
Ex.P3	--	Aadhaar card of the petitioner – Xerox copy

List of Witness and Exhibit examined on the side of the Respondent :

-Nil-

**Additional District Judge,
Dindigul**