

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
PERAMBALUR.

Present: Tmt.A.Balkis, B.L.,  
Principal District Judge.

Thursday, the 11<sup>th</sup> day of August, 2022.

I.A.No.4/2020  
in  
OS.No.2/2019

Jayakanthan, S/o. Kaliyaperumal,  
Perambalur Taluk and District.  
(Amended as Per order in IA.No.5/21,  
Dated: 16.04.2021)

--- Petitioner/Guardian  
for minor plaintiff/Father

-Vs-

1. Vanajarani,  
W/o. Ramkumar,  
Perambalur.
2. Jayachitra,  
D/o. Nallusamy.  
Ladapuram Village.
3. Indian Bank, Ladapuram Branch  
rep by its Branch Manager,  
Ladapuram Village.
4. State Bank of India, Perambalur Branch  
Represented by Branch Manager,  
Perambalur Taluk and District.
5. Catholic Syrian Bank, Ammapalayam Branch,  
Rep. By its Branch Manager,  
Ammalayam Village,  
Perambalur Taluk and District

---Respondents/Defendants.

This petition is coming up before me for final hearing in the presence of

Thiruvallargal.K. Chinnappa and M.A.Chinnappa, Advocates for the petitioner and Thiru.E.Valluvan Nambi, Advocate for the 1<sup>st</sup> and 2<sup>nd</sup> respondents and Thiru.P.Suresh Kumar, Advocate for the 3<sup>rd</sup> respondent and Thiru.R.Senthamaraikannan, Advocate for the 5<sup>th</sup> respondent and the 4<sup>th</sup> respondent called absent, set exparte and upon perusing the petition, counter and other relevant records and upon hearing both side, this Court has passed the following:

### **ORDER**

The petition is filed under Order 32 Rule 11 and section 151 of C.P.C to discharge the petitioner who was appointed as guardian for his minor son.

2. The brief averments of the petition are as follows:-

The case of the petitioner is that the petitioner has filed the suit on behalf of his minor son. Now the minor was attained 19 years and his date of birth is 31.07.2001(amended as per order in I.A.5/2021, dated 16.04.2021). Hence it is just and necessary to discharge him as guardian. If the petition is not allowed, he will be put to untold sufferings and great hardship. Hence this petition.

3. The brief averments of the counter filed by the 1<sup>st</sup> respondent(adopted by the 2<sup>nd</sup> respondent) is as follows:

The contention of the respondents are that the allegations contained in the affidavit filed in support of the petition are all specifically denied as false. The petition is not maintainable in law and on facts. The date of birth of the minor stated as 10.08.2001 is false. It is true that the date of birth of the minor was on 31.07.2001. In the petition, the name of the petitioner was wrongly mentioned and the petition was directly filed by the petitioner instead of the minor and also short cause title was not given. Hence the petition is not maintainable and the petition is liable to be dismissed with cost of the respondents.

## 4. Point for consideration:

Whether I.A.No.04/2020 has to be allowed or not?

Point:

5. This petition is filed by the petitioner to discharge the petitioner who was appointed as guardian for his minor son.

6. The respondent contended that the date of birth was wrongly stated as 10.08.2001 but the actual date of birth of the minor is 31.07.2001 and the petitioner name is incorrect and the short cause title was not given by the petitioner properly and therefore, the petition has to be dismissed. After filing of the counter, the petitioner has filed an amendment petition under Order 6 Rule 17 and it was allowed on 16.04.2021 and the date of birth and the petitioner name was amended. There is a minor discrepancies in the cause title but the mistake done in the cause title of the petition which is otherwise on merits cannot be dismissed. Further I.A.No.3/19 was also allowed. Therefore, this petition is also allowed and the point is answered as such.

7. In the result, the petition is allowed. No costs.

Dictated to the Executive Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, this the 11<sup>th</sup> day of August, 2022.

(Sd/-). A. Balkis,  
Principal District Judge,  
Perambalur.

Fair/Draft Order

I.A.No.04/2020

in

O.S.No.2/2019

D.D:11.08.2022.