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Order QR

O.P. No.420 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.08.2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

O.P.No.420 of 2025

1. J.Nandhini,
W/o J.Dhanasekar
Plot No.45 B, 4th Cross street,
Ranga Nagar, Thiruneermalai Road,
Chrompet, Chennai 600 004

2. K.Elumalai
S/o Krishnan,
3 M Block, L.G.Police Line, Pudupet,
AnnaSalai, Chennai 600 002

..Petitioners

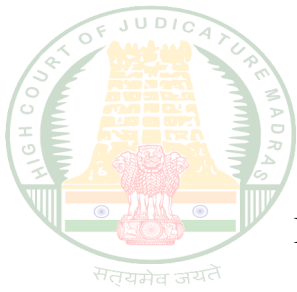
PRAYER: Original Petition filed under Sections 3, 7,8, 9, 10, 25 and 29 of the Guardian and Wards Act, 1890 read with Order XXI Rule 2 & 3 of the Original Side Rules, praying:-

(a) to jointly appoint the petitioners herein as the Guardian of the person and properties of the minor male child Master Jagadeesh, who was born out of the wedlock of his late parents i.e. Mr.R.Durairaj, son of Mr.Ramalingam and Mrs.Hemalatha, wife of Mr.R.Durairaj, on 17.03.2012;

(b) to grant permanent custody of the minor male child Master Jagadeesh to the petitioners herein;

(c) to manage the properties, rental profits and the estate of the minor male child Master Jagadeesh on behalf of the said minor; and pass further orders.

Page No.1 of 8



Order QR

O.P. No.420 of 2025

For Petitioners : M/s.J.V.Sakthi Balakrishnan

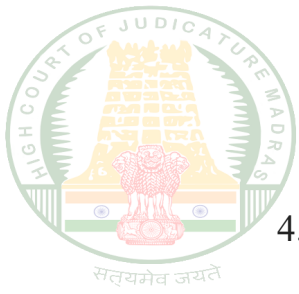
WEB COPY

ORDER

This Original Petition has been filed under the provisions of the Guardians and Wards Act, 1890, seeking to appoint the petitioners jointly as guardians of the person and property of the minor male child, Master Jagadeesh, born on 17.03.2012.

2. The first petitioner, Mrs. J. Nandhini, is the paternal aunt of the minor, while the second petitioner, Mr. K. Elumalai, is the paternal uncle of the minor. The petitioners seek their appointment as joint guardians of the minor and his properties.

3. The case of the petitioners, as set out in the petition and the proof affidavit, is that the minor is the son of late Mr. R. Durairaj and late Mrs. Hemalatha. The father of the minor died on 11.05.2021 and the mother of the minor died on 30.04.2023. The respective death certificates have been produced before this Court. It is stated that both the parents died intestate.



Order QR

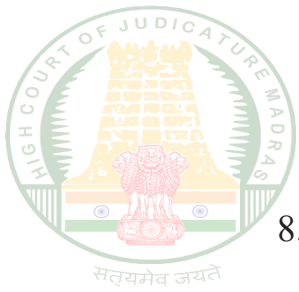
O.P. No.420 of 2025

4. It is further stated that the minor is the sole surviving legal heir of his deceased parents. The Legal Heirship Certificate, dated 15.07.2021 relating to late Mr. R. Durairaj and the other documents produced along with the petition have been relied upon in support of the said contention.

5. The petitioners have further stated that, after the demise of the parents of the minor, a search was made for any Will or testamentary document executed by them, but no such document was found. It is therefore stated that the deceased parents died intestate.

6. The minor has inherited the property more fully described in the Schedule to the petition. The said property is stated to measure about 1610.5 sq.ft., together with a building measuring about 800 sq.ft., bearing Door No.2, 24th Street, 3rd Cross, J.B. Estate, Avadi, Chennai – 600054, and is stated to be worth approximately Rs.25,00,000/-.

7. It is the further case of the petitioners that, after the demise of the parents of the minor, no guardian has been appointed either for the person of the minor or for his properties and that no proceedings seeking appointment of a guardian have been filed before any other Court.



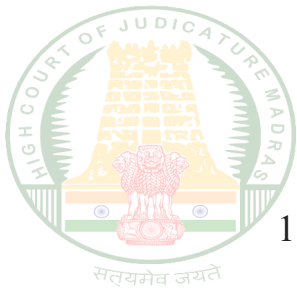
Order QR

O.P. No.420 of 2025

8. The minor is presently pursuing his education as a hosteller at M/s. Ramakrishna Mission, Mylapore, Chennai, and is stated to be under the care and support of the petitioners. The petitioners have stated that they have been attending to the personal, educational and financial requirements of the minor.

9. The first petitioner, J. Nandhini, is the paternal aunt of the minor. She is married and has no children and is employed as a Business Analyst at Citi Bank, Chennai. The second petitioner, K. Elumalai, is the paternal uncle of the minor and is employed as a Head Constable in the Central Crime Branch, Vepery, Chennai. The petitioners have placed their respective financial and family circumstances before this Court and have stated that they are fit and proper persons to be appointed as guardians.

10. The documents produced by the petitioners, including the title documents relating to the property, encumbrance certificates, death certificates of the parents of the minor, legal heirship certificate and other supporting documents, have been perused.



Order QR

O.P. No.420 of 2025

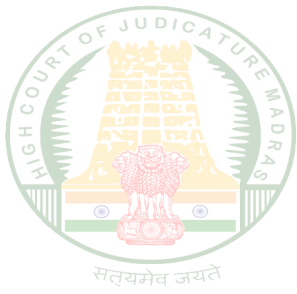
11. The petitioners have also stated that they have been jointly taking care of the minor and that the minor is presently under their care and support.

Considering the fact that both parents of the minor are no more and that there is no guardian presently appointed for the minor or his properties, the appointment of a guardian is necessary for the proper care, welfare and protection of the minor and for the effective management of his properties.

12. This Court has also taken into consideration the relationship of the petitioners with the minor, their conduct and circumstances, as disclosed in the proof affidavit and the fact that they have been attending to the needs of the minor. There is nothing on record to indicate that the petitioners are unfit to be appointed as guardians. Their appointment would also be in the interest and welfare of the minor.

13. In the circumstances, this Court is satisfied that the petitioners are fit and proper persons to be appointed as joint guardians of the person and property of the minor Master Jagadeesh.

14. In the result, this Original Petition is allowed on the following terms:



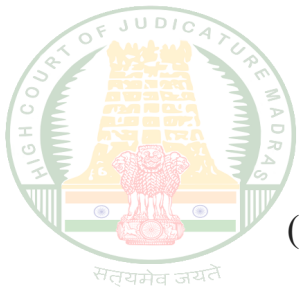
Order QR

O.P. No.420 of 2025

WEB COPY (i) The petitioners are jointly appointed as the guardians of the person and properties of the minor male child, Master Jagadeesh, born on 17.03.2012 to late Mr. R. Durairaj and late Mrs. Hemalatha;

(iii) The petitioners are permitted to jointly manage and administer the movable and immovable properties and estate belonging to the minor, including receiving the rents, income and profits arising therefrom, and shall utilise the same only for the maintenance, education, welfare and benefit of the minor.

(iv) The petitioners shall not sell, mortgage, charge, gift, transfer, alienate, encumber or otherwise create any third-party interest in respect of any movable or immovable property or asset belonging to the minor, Master Jagadeesh, without obtaining the prior leave of this Court.



Order QR

O.P. No.420 of 2025

WEB COPY

(vi) The petitioners shall file before the Registry of this Court, within a period of three months from the date of receipt of a copy of this order, a full and true inventory of the movable and immovable properties belonging to the minor, Master Jagadeesh, together with the income derived therefrom, and shall thereafter render to the Registry a true and correct account of their management once in every year.

27.08.2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



WEB COPY



Order QR

O.P. No.420 of 2025

DR.A.D.MARIA CLETE, J.

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Order made in
O.P.No.420 of 2025

Dated:
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Page No.8 of 8