

(1915) 04 MAD CK 0072
In the Madras High Court

R.M.A. Subramanya Pillai

APPELLANT

Vs

Ammayee Ammal alias Piramu Ammal and Another

RESPONDENT

Date of Decision : 16-04-1915

Acts Referred:

Guardians and Wards Act, 1890 — Section 19

Citation : 29 Ind. Cas. 740 : (1915) 2 LW 531

Hon'ble Judges : Seshagiri Aiyar, J; Oldfield, J

Bench : Division Bench

Judgement

1. The learned District Judge has dealt with the petition only with regard to the welfare of the minor, although u/s 19, Guardians and Wards Act, when the minor's father is living no other guardian can be appointed unless he is in the Courts opinion unfit for appointment. Vide Audiappa Pillai v. Nallendran Pillai 29 Ind. Cas. 4 : 28 M.L.J. 442 : (1915) M.W.N. 30 : 17 M.L.T. 380. We must set aside the decision and ask the District Judge to re-admit the petition and dispose of it again in the light of the foregoing after considering and recording a finding as to the fitness of the petitioner, the minor's father for the guardianship. Costs to date will be costs in the case.