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O.P. No.55 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

O.P.No.55 of 2026

Dinesh Srinivasa Iyengar,
S/o Srinivasan

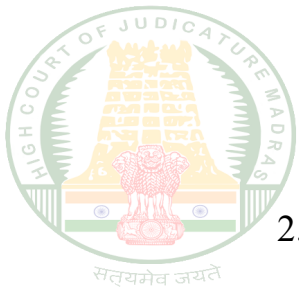
..Petitioner

PRAYER: Original Petition filed under Clause 17 (XVII) of Letters Patent 1865 to appoint the petitioner (a) as guardian and manager of the person for the properties of Harish Srinivasan (b) to receive family pension from the Divisional Manager, Central Railway, Byculla, Mumbai and (c) to spend the amounts for the welfare of Harish Srinivasan

For Petitioner: Mr.G.S.Sivakumar

ORDER

This Original Petition has been filed under Clause 17 of the Letters Patent seeking appointment of the petitioner, Dinesh Srinivasa Iyengar, as guardian of the person and manager of the properties of his younger brother, Harish Srinivasan, and to authorise the petitioner to receive and utilise the family pension and other benefits payable to Harish Srinivasan.

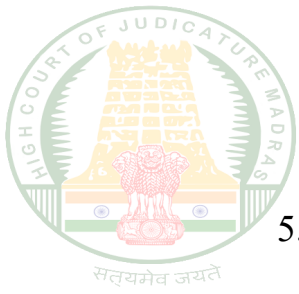


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2. The petitioner states that Harish Srinivasan was born on 07.10.1983 and has Down Syndrome with severe intellectual disability. Their father, Srinivasan Desikachari, was employed in the Central Railway. By a communication dated 25.01.2001, he requested the Railway Administration to record Harish Srinivasan as his dependent and extend to him, after the lifetime of the parents, the family pension and other admissible benefits. The father died on 29.04.2018 and the mother, Brindha Srinivasan, died on 22.04.2021. The petitioner claims that, following their demise, he has been attending to the personal, medical and financial needs of Harish Srinivasan.

3. In compliance with the order of the learned Master, notice of the proceedings was published in one Tamil daily and one English daily. No objection has been received from any person.

4. The petitioner examined himself as P.W.1 and reiterated the averments in the petition. Exs.P1 to P6 were marked through him, comprising the birth record of Harish Srinivasan, the communication addressed by his father to the Railway Administration, the Railway concession certificate, the medical certificate and the death certificates of the parents.



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5. It is settled law that the jurisdiction conferred by Clause 17 of the Letters Patent to protect the person and estate of an adult lacking the capacity to manage his affairs is maintainable. At the same time, Sections 13 and 14 of the Rights of Persons with Disabilities Act, 2016 recognise the legal capacity of persons with disabilities and contemplate limited guardianship based upon support, consultation and respect for the will and preference of the person concerned. Any appointment made by this Court must therefore be confined to the support actually required and cannot amount to a general deprivation of the legal capacity of Harish Srinivasan.

6. The documents originally marked establish that Harish Srinivasan has had Down Syndrome and intellectual disability from an early age. Since those documents were relatively old and did not quantify his present disability or disclose the extent of support presently required, the petitioner was permitted to produce a current disability certificate.

7. The petitioner has thereafter produced a disability certificate dated 18.07.2026 in Form VII, issued by the notified medical authority of the Institute of Mental Health, Kilpauk, Chennai. The certificate records that Harish Srinivasan has severe intellectual disability assessed at 90 per cent,



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that the condition is not likely to improve and that reassessment is unnecessary.

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8. The current statutory certificate, read with the earlier medical and railway records, establishes that Harish Srinivasan requires continuing and substantial assistance in attending to his personal and financial affairs. The petitioner is his brother and has been caring for him after the death of their parents. He has expressed his willingness to act as guardian. General notice was also published and no objection has been received.

9. The appointment of a guardian does not, by itself, establish Harish Srinivasan's entitlement to family pension or any other service benefit. Such entitlement and its quantum must be independently determined by the Railway Administration under the applicable rules. The authority granted by this Court must therefore be confined to enabling the petitioner to represent Harish Srinivasan, pursue the claim and receive and administer such amounts as may lawfully be sanctioned for his benefit.

10. Having regard to the severe and permanent nature of the intellectual disability, the existing care giving arrangement and the absence of any competing claim or objection, this Court is satisfied that the petitioner



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may be appointed as guardian. Accordingly, this Original Petition is allowed

on the following terms:

- (i) The petitioner, Dinesh Srinivasa Iyengar, is appointed as the guardian of his younger brother, Harish Srinivasan (born 07.10.1983), a person with Down Syndrome and severe intellectual disability, as the manager of his properties, in exercise of the jurisdiction of this Court under Clause 17 of the Letters Patent, 1865.
- (ii) The petitioner is authorised to represent Harish Srinivasan before the Railway Administration, banks and other authorities, and to apply for, receive and administer the family pension and other benefits, if sanctioned in accordance with law;
- (iii) The money so received shall be utilised exclusively for the maintenance and welfare of Harish Srinivasan, and shall not be diverted to any other purpose.
- (iv) The petitioner shall not sell, mortgage, charge or otherwise alienate or encumber any property or asset of Harish Srinivasan without the prior leave of this Court.
- (v) The petitioner shall file before the Registry of this Court, within three months, a full and true inventory of the movable and immovable properties and the income of Harish Srinivasan, and shall thereafter render to the Registry a true account of his management once in every year.



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(vi) This appointment shall enure during the period of the disability of Harish Srinivasan and shall stand subject to the supervision of this Court. It shall cease upon his regaining capacity, or upon his death, or upon further orders of this Court; and any person interested shall be at liberty to apply for variation or revocation.

However, there shall be no order as to costs. Consequently, the connected applications, if any, stands closed.

23.07.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Order made in
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