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**A.No.5617 of 2023**

**in**

**A.No.2428 of 2023**

**N.SATHISH KUMAR, J.**

This application has been filed to set aside the Order of learned the Master dated 05.09.2023 in A.No.2428 of 2023 in O.P.D.No.98026 of 2022.

2. The main ground of challenge of the Order of the Master directing the applicant to produce the third applicant who is not in sound state of mind and totally disoriented. The Original petition has been filed for appointing the petitioner as a guardian to realise the debts payable to the third petitioner to safeguard the same and it will be useful for the welfare of the third petitioner. It is the further contention of the learned counsel that the third petitioner is in Ahmedabad and it will be very difficult to produce him before this Court. The Medical certificate has also been filed.

3. The medical certificate produced before this Court indicate that the third petitioner is suffering from psychological issues and not in a position to take rationale decision. The learned Master ought to have



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**N.SATHISH KUMAR, J.**

VTC

considered the medical certificate issued by the doctor in this regard.  
However, the same has not been considered.

4. In such view of the matter the Order of the learned Master dated 05.09.2023 is set aside and the matter is posted for recording evidence before the Master on 07.11.2023. It is also stated that the petitioner is also a doctor by profession and his evidence shall be recorded by the Master on 07.11.2023 and consider the medical report produced before this Court and pass order.

**30.10.2023**

VTC

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