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O.P.No.60 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.60 of 2023

R.Praveena

... Petitioner

PRAYER: Original Petition filed for appointment of Guardian and Estate of mentally ill-person under Clause XVII of the Letters Patent of 1865 prayed that

(a)by appointing the petitioner as de-jure guardian for mentally retarded name R.Ramani born on 13.10.1997, the younger sister of the petitioner and Manager of her estate

(b)that the guardian may be permitted to operate the bank account 00051000033808 stands in the name of mentally retarded person R.Ramani.

(c)for such other relief as to this Court may deem fit.

For Petitioner : Dr.G.Krishnamurthy

ORDER

This petition is presented by the sister of Miss.R.Ramani, who is said to be mentally challenged. By this petition, the petitioner seeks appointment



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as the guardian of the person and of the bank account of R.Ramani.

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2. The petitioner states that her sister, R.Ramani, is mentally challenged. The petitioner's parents had only two daughters namely R.Praveena (the petitioner herein) and R.Ramani. The petitioner states that her father C.N.Raghuraman died on 31.05.2007 and her mother R.Maliga died on 30.11.2014. The petitioner further states that her younger sister R.Ramani was born on 13.10.1997 was suffering from mental disorders and the same was certified by the District Physically Handicapped Persons, welfare officer, Government Peripheral Hospitals, K.K.Nagar, Chennai, that the said R.Ramni was suffering from 60% Mental Retraction vide certificate dated 26.06.2007 and accordingly she was being paid sum of Rs.1500/- per month as pension payment for maintenance. The petitioner further asserts that the petitioner's mother was appointed as an guardian for the said R.Ramani and she opened an account in name of Ramani bearing A/C No.000501000033808 in the Indian Overseas Bank, Aminjikarai Branch, she operated the same as a guardian till her last breath on 30.11.2014.

3.After the demise of the petitioner's mother the petitioner herein the only sister is looking after her. The petitioner herein has obtained an order



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dated 05.10.2020 in file No.Naka 588/MRA/2020 on the file of the District

Physically Handicapped Persons, Welfare Officer in which the Manager of Indian Overseas Bank was directed to include the name of the petitioner as guardian and to operate the above mentioned account. Even after the said order the bank officials did not obey the same and further orally instructed the petitioner to obtain a guardianship certificate for R.Ramani. The permission of this Court is sought to appoint the petitioner as the guardian for the person and bank account of the mentally retarded person Miss.R.Ramani.

4.The petitioner is examined as P.W.1. She has produced the National Identity Card and passbook with disability certificate issued by the Department for Rehabilitation of the Disabled, Government of Tamilnadu, in respect of R.Ramani, as Ex.P2. She has also produced the death certificates of C.N.Raghuraman and R.Malliga, as Exs.P1 and P5. The legal heirship certificate of deceased C.N.Raghuraman is marked as Ex.P3. A perusal of Ex.P3 shows that the petitioner and R.Ramani are sisters. The photocopy of the bank pass book for the joint account in the name of R.Ramani and R.Malliga, as Ex.P4. The photocopy of the order dated 05.10.2020 issued by the District Welfare Officer for the differently abled



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as Ex.P6. The petitioner has filed a declaration of willingness to be the guardian of the person and bank account of the mentally challenged person Miss.R.Ramani, as Ex.P10.

5. The assertions in the petition have been duly proved by adducing evidence. In these circumstances, the petitioner is entitled to succeed.

6. Accordingly, O.P.No.60 of 2023 is allowed on the following terms:

(i)by appointing Mrs.R.Praveena, as the guardian of the person and bank account described in the schedule as regards the mentally-ill person, Miss.R.Ramani.

(ii)the petitioner shall file a report to this Court as to the bank account.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.R.PRaveena



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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Mr.C.N.Raghuraman
Ex.P2	Photocopy of the National Identity Card and Pass Book with Disability Certificate issued by the Department of Rehabilitation of the Disabled, Government of Tamilnadu
Ex.P3	Photocopy of the legal heirship certificate of Raghuraman
Ex.P4	Photocopy of the bank passbook for the joint account in the names of R.Ramani and R.Malliga bearing account 000501000033808 issued by the Indian Overseas Bank, Anna Salai Branch
Ex.P5	Computer generated death certificate of R.Malliga
Ex.P6	Photocopy of the order dated 05.10.2020 issued by the District Welfare Officer for the Differently Abled
Ex.P7	Photocopy of the Aadhaar card of Ramani
Ex.P8	Photocopy of the Family Card of Raghuraman
Ex.P9	Photocopy of the petitioner's Aadhaar card
Ex.P10	Petitioner's declaration of willingness to accept the office of guardian of the person and property of R.Ramani

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