



[O.P.No.714 of 2023](#)

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Clause XVII of the Letters Patent Act, 1865 to appoint the petitioner as Guardian of the Person and Manager of the property of Shri T.K.Kasturi set out in the Schedule.

2. Heard the learned counsel for the petitioner.

3. The petitioner is the elder brother of T.K.Kasturi, who is a mentally ill person. According to the petitioner, his father T.K.Narasimhan, who was employed in CLRI, died at the age of 83 years leaving behind his wife T.K.Vedavalli and four children namely, T.K.Sampath Kumaran, M.A.Kamala Santhanam, T.K.Balaji Ramachandran and T.K.Kasturi. On the death of Narasimhan, his family pension was paid to the petitioner's mother. His sister Kasturi was born on 13.09.1955, but however she developed mental disease of Schizophrenia at the age of 17 years. Despite several treatment, she has not recovered from the mental illness. Now, she is not in a position to care of her as she is suffering from Schizophrenia which is more than



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80%. After the death of his mother, family pension is ordered to Kasturi by the CLRI. However, the State Bank of India, where family pension has been credited to Kasturi, insisted the petitioner to have a Legal Guardianship so as to operate his account. Hence, the present petition.

4. The petitioner himself examined as P.W.1 before this Court and Exs.P1 to P13 were filed. The petitioner has spoken about the nature of illness suffered by Kasturi and also filed Exs.P1 and P4, the death certificates of his parents to prove their demise. Ex.P5 is the Legal Heir Certificate of Mrs.T.K.Vedavalli. Ex.P6 is the medical certificate issued by SCARF in respect of Kasturi. Ex.P7 is the letter issued by the CLRI to obtain medical certificate from the Medical Board. The proceedings of the Medical Board at Rajiv Gandhi Government General Hospital, Chennai as Ex.P9 is filed. Ex.P10 is the letter of the CLRI dated 30.12.2020 addressed to SBI for permitting to release the family pension to T.K.Kasturi. Ex.P11 is the letter addressed by SBI to the petitioner to obtain Legal Guardianship for T.K.Kasturi. Ex.P12 is the Disability Identity Card issued by the Government to T.K.Kasturi and Ex.P13 is the passbook of T.K.Kasturi.



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5. Considering the evidence of the petitioner and the medical documents and the proceedings of the Medical Board which clearly proves that T.K.Kasturi suffers from Schizophrenia, this Court is of the view that T.K.Kasturi, who is suffering from such a serious mental illness cannot take care of her, appoints the petitioner as Guardian to take care of her and her property.

6. Accordingly, the Original Petition is ordered and the petitioner is granted Guardianship of "Shri T.K.Kasturi".

15.11.2023

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