



O.P.No.122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 122 of 2024

P.Kasi Ammal

... Petitioner

PRAYER: Original Petition filed under Clause 17 of the Letters Patent Act, 1865, to appoint the petitioner as guardian of the person and Manager of the property of the petitioner's son namely P.Manikandan, who is a mentally retarded person and to permit the petitioner to manage the assets of the mentally retarded person.

For Petitioner : Mr.K.Selvaraj

ORDER

The petition has been filed taking advantage of Clause 17 of the Letters Patent Act, seeking appointment of the petitioner as guardian of her son who is unfortunately affected with Spastic Cerebral Palsy with 90% mental disability.

2. The petitioner seeks to appoint her as the guardian not only



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with respect to the person, but also with respect to the property. The property had been described in the schedule to the petition.

3. After following due procedure, the petitioner was directed to tender evidence and accordingly, she examined herself as P.W.1. The death certificate and legal heirship certificate of her husband Panneerselvam were marked as Exs.P1 and P2. The documents relating to the disability of her son P.Manikandan was marked as Ex.P6. She also marked the documents relating to the property. The petitioner also examined as P.W.2, Dr.Thiyagaraj, who is a registered Medical Practitioner who has stated in his evidence that he examined P.Manikandan on 09.07.2024 and identified Ex.P6 – certificate which has been issued by the Government Institute of Rehabilitation Medicine, K.K.Nagar, Chennai.

4. Taking into consideration the nature of the evidence adduced and documents produced, this Original Petition stands allowed. The petitioner is appointed as guardian of her son P.Manikandan not only



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with respect to the person, but also with respect to the property.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mrs.P.Kasi Ammal

P.W.2 – Dr.Thiyagaraj

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Panneerselvam (compared with the original).
Ex.P2	Photocopy of the legal heirship certificate of Panneerselvam (compared with the original).
Ex.P3	Photocopy of my Aadhaar card (compared with the original).
Ex.P4	Photocopy of the Aadhaar card of P.Manikandan (compared with the original).
Ex.P5	Photocopy of my family card (compared with the original).
Ex.P6	Photocopy of the disability identity card of P.Manikandan (compared with the original).
Ex.P7	Photocopy of the release deed dated 28.05.2008 executed in favour of Mrs.P.Kasiammal and Mr.P.Manikandan



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<i>Exhibits</i>	<i>Documents</i>
	(compared with the original).
Ex.P8	Photocopy of the sale deed dated 16.02.1994 executed in favour of Mr.K.S.Panneerselvam (compared with the original).
Ex.P9	Photocopy of the sale deed dated 12.04.1985 executed in favour of Mr.K.S.Panneerselvam (compared with the original).
Ex.P10	Certified copy of the partition deed dated 10.09.1985 executed between my husband and others (witness states that the original partition deed is in the custody of his brother-in-law, this document is marked subject to its admissibility, proof and relevancy).
Ex.P11	Photocopy of the sale deed dated 29.07.1986 executed in favour of Mr.K.S.Panneerselvam (compared with the original).
Ex.P12	My declaration and willingness.

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C.V.KARTHIKEYAN,J.

Gsa

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