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O.P.No. 352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM

THE HON'BLE MR. JUSTICE DR.G.JAYACHANDRAN

O.P.No. 352 of 2024

Mr.George Purushothaman

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Petitioner

This Original Petition is filed under Clause XVII of Letters of Patent Act, 1865, praying to

a)appoint the petitioner as the Guardian of the person and manager for the property of Selvi DAISY CHRISTY FLORA who is suffering from Brain epilepsy of 60% disability;

b) Permit the petitioner to receive the family pension on behalf of the Selvi. DAISY CHRISTY FLORA

c) Permit the petitioner to expend the same for the welfare of the Selvi. DAISY CHRISTY FLORA

For Petitioner : M/s.P.V.Preeja

ORDER

The petition is filed by one George Purushothaman, S/o.Late



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M.Aaron, to appoint him as a Guardian of his younger sister Selvi. DAISY CHRISTY FLORA, (mentally retarded person). Late M.Aaron who was a retired teacher at C.S.I.Central School, Shoolinghur, Ranipet District died on 15.03.1975 leaving behind his eight children as his legal heirs. DAISY CHRISTY FLORA, a person with mental disability, was unmarried and suffering from brain Epilepsy with 60% disability. She was eligible to receive the family pension payable to the family of Late.M.Aaron who died on 15.03.1975. Accordingly, his elder brother by the name Nohn Nelson was appointed as the Guardian of DAISY CHRISTY FLORA via an order dated 01.04.1979, and he received the family pension on her behalf. However, since John Nelson, the Guardian appointed by the Court, died on 28.05.2014, The treasurer has sought for guardianship certificate to disburse the family pension payable to DAISY CHRISTY FLORA. For this reason, the another brother, George Purushothaman is currently before the Court seeking guardianship of Selvi. DAISY CHRISTY FLORA.

2. Ex.P2 is the certificate given by the Village Administrative Officer, confirming the petitioner as one of the legal heirs of Mr.Aaron. Furthermore, guardian of Selvi DAISY CHRISTY FLORA was Mr.John Nelson. The elder brother was permitted to be the guardian of the mentally



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retarded person. After his death, Ex.P7-disability certificate Form-VII issued by Department of Psychiastry, Chengalpattu reveals that Ms.Daisy Christie Flora suffers from brain epilepsy with 60% of the disability due to brain epilepsy.

3. Taking note of the evidence available on record and the status of the above capable person and the legal evidence, I am inclined to appoint the petitioner herein as guardian for the mentally retarded person, namely Selvi. DAISY CHRISTY FLORA.

4. Accordingly,

(i) This Original Petition is allowed.

a)The petitioner is appointed as the Guardian of the person and manager for the property of Selvi DAISY CHRISTY FLORA who is suffering from Brain epilepsy of 60% disability;

b) The petitioner is permitted to receive the family pension on behalf of Selvi. DAISY CHRISTY FLORA

c) The petitioner is permitted to expend the same for the welfare of Selvi. DAISY CHRISTY FLORA

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Neutral Citation: Yes/No
Speaking order : Yes/No

APPENDIX

Petitioner's witness:

P.W.1 – Mr.George Purushothaman

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the pension payment order of Mr.A.John Nelson
Ex.P2	The photocopy of the certificate issued by Village Administrative Officer regarding the legal heirs of Mr.Aaron and Mrs.Margaret Pushparani.
Ex.P3	The photocopy of the death certificate of Mr.John Nelson.
Ex.P4	The photocopy of the Form 14 application for family pension of Mr.M.Aaron
Ex.P5	The photocopy of the letter dated 19.09.2019 issued by Senior Accounts Officer, Teynampet, Chennai - 18 addressed to Mr.J.N.Ashok Kirubakaran in respect of family pension of Mr.M.Aaron.
Ex.P6	The photocopy of the reply given by Ms.Daisy Christie Flora to Senior Accounts Officer, Anna Salai, Teynampet, Chennai - 18.
Ex.P7	The photocopy of the certificate of disability issued to Ms.Daisy Christie Flora by Assistant Professor, Department of Psychiastry, Chengalpattu.
Ex.P8	The photocopy of the letter dated 07.06.2023 given by Mr.Peter Gnanasekaran to Block Development Officer.
Ex.P9	The photocopy of the letter dated 29.06.2023 issued by the



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<i>Exhibits</i>	<i>Documents</i>
	Block Education Officer in respect of family pension of Ms.Daisy Christie Flora addressed to office of Accountant General, Anna Salai, Chennai.
Ex.P10	The photocopy of the letter dated 15.10.2023 from the office of Accountant General, Chennai - 18 addressed to the Block Development Officer, Sholingur, Ranipet in respect of family pension of Ms.Daisy Christie Flora.
Ex.P11	The photocopy of the Aadhaar Card of Ms.Daisy Christie Flora.
Ex.P12	The photocopy of the petitioner's Aadhaar Card.

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