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O.P.No.339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :13.12.2024

Pronounced on :17.12.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.339 OF 2024

Logabai

.. Petitioner

/versus/

Nil

.. Respondent

Prayer: Original Petition has been filed under Section Clause XVIII of Letters Patent Act, praying to:

(a)Appoint the petitioner as Guardian of the person and manager of the properties of the mentally retarded grand-daughter Amudha @ Narmadha.

(b)Permit the petitioner to receive the award with accrued interest in M.C.O.P.No.3988 of 1998 dated 28.04.2000 lying in the Canara Bank, Mount Road Branch, Chennai-2, on behalf of the mentally retarded person and to expend the same for the welfare of mentally retarded person or as such as Court decides.

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For Petitioner :Mr.MThamizhavel

No respondent

ORDER

The petitioner herein is the maternal grand mother of Amudha @ Narmadha, who is duly certified by the Institute of Mental Health as mentally retarded person suffering 70% of mental disability.

2. Tamilselvan, who is the Father of the Amudha @ Narmadha, died in a road accident on 09.03.1998. The Motor Accident Tribunal in M.C.O.P. No.3988 of 1998 has awarded a sum of Rs.1,00,000/- as compensation to Amudha @ Narmadha and the same is presently in deposit with Syndicate Bank, now merged with Canara Bank. Rest of the claimants have withdrawn their share of compensation. Whereas the mentally retarded daughter of Tamilselvan, is not able to withdraw her share, since her mother and natural guardian T.Pushpalatha also died on 21.02.2009 and presently the mentally



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retarded girl is under the care and custody of her maternal grand mother / the petitioner herein and the Bank need a Court appointed guardian for the mentally retarded Amudha @ Narmadha.

3. The petitioner stating that she is about 73 years old and not able to meet out the expenses to maintain her mentally retarded grand daughter, she need the money in deposit with the Bank. To withdraw the money deposited in the name of the mentally retarded girl Amudha @ Narmadha, the Bank requires guardianship. Hence, the present petition under Order XVII of Letters Patent Act.

4. The petitioner is examined as PW-1. She has marked 7 documents as Ex.P-1 to Ex.P-7. To prove that Amudha @ Narmadha born on 11.03.1996 to Tamilselvan and Pushpalatha at Cluny Institute, Pondicherry (Ex.P-1). She suffers 70% mentally retardation (Ex.P-2). Tamilselvan died on 10.03.1998 and Pushpalatha died on 21.02.2009. (Ex.P-3 and Ex.P-4 respectively). Ex P-5 legal heir certificate of Pushpalatha proves that the



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petitioner is the mother of Pushpalatha. Dr.M.Malaiappan is examined as PW-2. He has testified that, after examining Amudha @ Narmadha along with ENT surgeon and a Paediatrician he has given Ex P-2 the disability certificate.

5. From the above evidence, this Court is satisfied that the petitioner is the fit and proper person to be appointed as Legal Guardian for the person and property of the mentally retarded girl Amudha @ Narmadha. The petitioner is permitted to receive the amount with interest accrued as awarded in favour of Amudha @ Narmadha in M.C.O.P.No.3988 of 1998 (on the file of Small Causes Court, Chennai) lying in the Canara Bank, Mount Road branch, on behalf of the mentally retarded girl and expend the same for the welfare of the mentally retarded person.

6. The petitioner is directed to file affidavit before the Registrar, Small Causes Court, Chennai, within two (2) weeks from the date of withdrawal of the amount and render Account before the Registrar, Small Causes Court



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regarding expenses and investment from the money on or before 31st of December every year.

7. Accordingly, this Original Petition is disposed of.

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Index:yes/no
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Petitioners' witness:-

PW-1: Mrs.Logabai

PW-2: Dr.M.Malaiappan

Documents marked:-

Ex.P1	Photocopy of the birth certificate of the minor Amudha @ Narmadha
Ex.P2	Photocopy of the disability passbook issued by Institute of Mental Health, Kilpauk, Chennai of Ms.T.Narmadha.
Ex.P3	Photocopy of the death certificate of Mr.B.Tamil Selvan.
Ex.P4	Photocopy of the death certificate of Mrs.Pushpalatha
Ex.P5	Photocopy of the legal heir ship certificate of Mrs.Pushpalatha.
Ex.P6	Photocopy of the Aadhaar Card of Ms.T.Narmadha.
Ex.P7	Photocopy of PW-1's family card.

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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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