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RMT.TEEKAA RAMAN, J.

This Original Petition has been filed under Clause XVII of the Letters Patent, 1865, a) to appoint the Petitioner R.Ramesh, as guardian of the person and manager of the property of the said R.Sukumaran @ R.Sukumar (mentally retarded person), son of late R.Rajammal and b) to permit the Petitioner to receive the family Pension amount from the office of the Accountant General, Annasalai, Teynampet, Chennai 600 018 and expend the same for the welfare of the mentally retarded person.

2.The Father of the Petitioner viz., K.B.Ramamoorthy pre-deceased to his Mother on 18.05.2007. The Petitioner's Mother R.Rajammal also died on 12.01.2022 leaving behind the legal heirs viz., R.Sukumaran @ R.Sukumar (mentally retarded person), R.Ramesh, the Petitioner herein, and K.Gomathi the Respondent herein.

3.The Death Certificate of the deceased R.Rajammal showing the date of death as 12.01.2022 at the place of Death at No.19/8, TVK First Link Road, Thiruvalluvar Nagar, Erukkanchery, Kodungaiyur, Chennai. Further



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the Petitioner also obtained Legal Heirship certificate of the deceased R.Rajammal on 07.08.2007 showing the legal heirs of the deceased, from the Tahsildar, Fort Tondiarpet Taluk, Chennai.

4.The deceased R.Rajammal was worked at Stanley Hospital, Chennai as Female Nursing Asst. Grade-I. Before her death, she has sent a letter dated 12.07.2006 to the office of the Accountant General (A & E) Chennai stating that after her death, the pension amount may be paid to her son R.Sukumaran @ R.Sukumar who is mentally retarded person by enclosing the Certificate issued by the Hospital authorities.

5.The Petitioner also obtained Certificate from the Tahsildar Perambur taluk dated 14.7.2022 in O.Mu.No.A.3/1970/2022. In the said certificate, it is stated that the above said R.Rajammal was worked in the Stanley Hospital and retired on 30.04.2006 and subsequently she died on 12.01.2022 and her mentally retarded son R.Sukumaran @ R.Sukumar was not married and no income for him and the said certificate was issued for the purpose of obtaining pension amount to the said R.Sukumaran @ R.Sukumar, the mentally retarded son of R.Rajammal (deceased).



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6. After following due procedure, the Petitioner was directed to tender evidence and accordingly, he examined himself as PW-1 and marked Ex.P.1 to Ex.P.15, which are as follows:

- (a) Ex.P1 is the photocopy of the national identity card of Mr.R.Sukumaran @ R.Sukumar issued by the District Disabled Rehabilitation Officer, Chennai.
- (b) Ex.P2 is the photocopy of the pension payment order of Mrs.R.Rajammal.
- (c) Ex.P3 is the photocopy of the letter dated 12.07.2006 addressed to the Accountant General, Chennai by Mrs.R.Rajammal.
- (d) Ex.P4 is the photocopy of the death certificate of Mr.K.B.Ramamoorthy.
- (e) Ex.P5 is the photocopy of the legal heir ship certificate of Mr.K.B.Ramamoorthy.
- (f) Ex.P6 is the computer generated death certificate of Mrs.R.Rajammal along with the affidavit under Section 65 B of the Indian Evidence Act, 1872.
- (g) Ex.P7 is the computer generated legal heir ship certificate of Mrs.R.Rajammal along with the affidavit under Section 65 B of the Indian Evidence Act, 1872.
- (h) Ex.P8 is the photocopy of the certificate dated 14.07.2022 issued by the Tahsildar, Perambur Taluk regarding marital status of Mr.S.Sukumaran.



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- (i) Ex.P9 is the photocopy of the National Identity Card and passbook with disability certificate of Mr.R.Sukumaran @ R.Sukumar.
- (j) Ex.P10 is the photocopy of the Indian Bank passbook bearing A/c.No.6474815171 of Mr.R.Sukumaran.
- (k) Ex.P11 is the photocopy of the representation dated 19.09.2022 given by the Petitioner to the Dean of Government Stanley Hospital, Chennai.
- (l) Ex.P12 is the photocopy of the letter dated 15.09.2023 addressed to Dean of Government Stanley Hospital by the Principal Accountant General (Accountants and Entitlements) Chennai regarding the family pension of mentally retarded son of Late.Mrs.R.Rajammal.
- (m) Ex.P13 is the photocopy of the certificate of disability dated 03.06.2024 of Mr.R.Sukumar issued by Regional Medical Board, Government Stanley Hospital, Chennai.
- (n) Ex.P14 is the photocopy of the Aadhaar Card of Mr.R.Sukumaran.
- (o) Ex.P15 is the photocopy of my Aadhaar Card.

7.Taking into consideration the facts and circumstances of this case and on perusing the above said documents, especially, Ex.P.11 to Ex.P.13, I find that the mentally retarded person viz., R.Sukumaran @ R.Sukumar needs appointment of guardian and property. Moreover, the Respondent



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who appeared before this Court as party in person has expressed her no objection before this Court for appointing the Petitioner as guardian for the mentally retarded person.

8.In view of the above said position, this Original Petition stands allowed. The Petitioner is appointed as guardian of R.Sukumaran @ R.Sukumar, who is a mentally retarded person, to act as his Manager and to receive the family pension payable consequent to the service of their Mother. The Petitioner is also permitted to receive the family Pension amount from the office of the Accountant General, Annasalai, Teynampet, Chennai, operate and utilize the same for the benefit of the mentally retarded person.

19.10.2024

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Dated: 19.10.2024