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O.P.No624 of 2023

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N.SATHISH KUMAR, J.

This Petition has been filed under Clause XVII of the Letters Patent of 1865 to appoint the petitioner as guardian of the person and Manager of the property of the mentally ill person Manorani.

2. The case of the petitioner is that the the petitioner is the second son of the mentally ill person Manorani. The first respondent is the husband of the said Manorani and second respondent is her first son. The petitioner's mother was little stressful in her married life from the year 1996 and thereafter, stressful life started to delusions, hallucination, hearing voices, [mind voice], in correct speech or negative symptoms such as a flatter of erections. She is not in a position to take rationale decision and she is suffering from mental illness. The respondents have no objection in appointing the petitioner as the guardian of the mentally ill person. Hence, the



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petitioner has filed this petition to appoint him as a guardian of the person and property of the mentally ill person.

3. On the side of the petitioner, P.W.1 and P.W.2 have been examined and marked Ex.P.1 to Ex.P.12.

4. The petitioner examined himself as P.W.1 and he had spoken about the mental illness of his mother and for appointing him as the guardian of his mother. Ex.P.6 is a copy of the discharge summary of the R.Manorani given by the Schizophrenia Research Foundation. Ex.P.6 has been filed to show the nature of treatment taken by the mother of the petitioner for her mental illness. Ex.P.7 is the disability certificate issued to Mrs.R.Manorani. Ex.P.7 shows that the mother of the petitioner is suffering from 60% mental illness. Ex.P.10 is the certified copy of the sale deed dated 04.04.1991 in favour of the maternal grand father of the petitioner. The grand father of the petitioner has also executed the Will and as per the Will, the mother of the petitioner is also entitled for a share in the properties of her father. The first and second



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respondents have filed consent affidavits for appointing the petitioner as the guardian of the mentally ill person. Ex.P.11 is the affidavit filed by the petitioner declaring his willingness to accept the office of guardian of the person and property of Monarani.

5. Dr.S.Karthikeyan, Outreach Psychiatrist, District Mental Health Programme, Saidapet Government Hospital has been examined as P.W.2. He has stated in his evidence about the mental illness and the disability suffered by Mrs.Manorani. He has also stated that the mental illness of the said Manorani has been assessed based on Indian Disability evaluation and Assessment Scale and he has issued Ex.P.7 medical certificate in this regard.

6. Considering the medical reports, as the mother of the petitioner is not in a position to take care of herself due to her mental illness, this Court is of the view that such persons will not be able to take rationale decisions independently. In such view of the matter, the petitioner, being her son, is a fit person to be appointed as the guardian and property of the mother.



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7. Accordingly, this petition is ordered, by appointing the petitioner as the Guardian of the property of mentally ill person Manorani. The petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

28.02.2024

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