



O.P.No.532 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 mentally ill person U.Krishnamoorthy and Manager of his assets.

2. The case of the petitioner is that the father of the petitioner met with an accident on 08.08.2013 and he sustained severe head injuries. Due to the said injuries, he developed symptoms of chronic schizophrenia, including Major Depression Disorder [MDD]. Upon medical examination, it is found out that the father of the petitioner has a low level of intellectual functioning, cognitive deficits and impairment in his social and adaptive functioning with 70% disability. Hence, it is the case of the petitioner that the father of the petitioner is not in a position to take rationale decision due to his schizophrenia. The mother and wife of the mentally ill person have filed affidavits tendering no object for appointing the petitioner as the guardian of the mentally ill person. Hence, the petitioner has filed this



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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.13.

4. The petitioner examined himself as P.W.1 and he had spoken about the nature of injuries sustained by his father and for appointing him as the guardian of his father, who is a mentally ill person. Ex.P.1 is the discharge summary in respect of mentally ill person U.Krishnamoorthy issued by the Global Health City Hospital, Chennai. Ex.P.2 is the copy of the Medical Report of Mr.U.Krishnamoorthy issued by MIOT International Hospital Chennai. Ex.P.3 to 9 have been filed to show the assets of the mentally ill person. The petitioner has also filed an affidavit for accepting the guardianship of the mentally ill person U.Krishnamoorthy and his property.



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5. Dr.Poorna Chandrika, Senior Civil Surgeon, Institute of Mental

Health Kilpauk has been examined as P.W.2. She has stated in her evidence about the mental illness and the disability suffered by Mr.Krishnamoorthy. She has also stated that the said Krishnamoorthy has memory loss problems and in this regard Ex.P.11 to Ex.P.13 medical certificates have been filed.

6. Considering the above reports, as the father of the petitioner is not in a position to take care of himself due to the injuries suffered by him, this Court is of the view that such persons will not be able to take rationale decisions independently. A person of unsound mind is not competent to make proper contract, when he suffers from mental disability.

7. In such view of the matter, the petitioner being the son is a fit person to be appointed as the guardian and property of the father.

8. Accordingly, this petition is ordered, by appointing the petitioner as the Guardian of the property of mentally ill person U.Krishnamoorthy. The petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in



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favour of Assistant Registrar O.S.(II), High Court, Madras.

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