



O.P.No.845 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 Venkatesan and and receive the pension on behalf of the mentally ill person.

2. The case of the petitioner is that the brother of the petitioner Venkatesan suffering from schizophrenia, 70% mental illness from 2010. He is unemployed and unmarried and is under medical treatment for his illness. He is mentally ill and is incapable of taking care of himself and of managing his property and is not in a position to earn his livelihood. His parents were looking after him during their life time. After their demise, the said Venkatesan is under the care and custody of the petitioner. It is further case of the petitioner that their father and mother died on 03.07.2022 and 25.04.2002 respectively leaving behind the petitioner and his brother Venkatesan as their legal heirs. Since, the father of the petitioner worked in Department of Tele Communications, BSNL, Chennai the petitioner made a



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representation dated 17.04.2023 for family pension in the name of his brother Venkatesan as he is entitled for family pension from the department.

Hence, the petitioner has filed this petition to appoint him as a guardian of the person and property of the mentally ill person and to permit the petitioner to receive the family pension.

3. On the side of the petitioner, petitioner examined himself P.W.1 has been examined and Ex.P.1 to Ex.P.13 have been marked.

4. The petitioner examined himself as P.W.1 and he had spoken about the mental illness of his brother and sought for appointing him as the guardian of his brother, who is a mentally ill person. Ex.P.1 is a copy of the disability certificate dated 04.03.2023 in respect of the mentally ill person Venkatesan wherein the disability of the mentally ill person is assessed at 70%. Ex.P.2 is the copy of the medical chart in respect of the treatment undergone by the mentally ill person. Ex.P.3 is the copy of No Income Certificate issued to Venkatesan. Ex.P.4 is the computer generated death certificate of the father of the petitioner. Ex.P.4 has been filed to show that



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the father of the petitioner died on 03.07.2022. Ex.P.5 is the computer generated death certificate of the mother of the petitioner. Ex.P.5 has been filed to show that the mother of the petitioner died on 25.04.2002. Ex.P.6 is computer generated legal heir certificate of the father of the petitioner. Ex.P.6 shows that petitioner and Venkatesan are the legal heirs of the father of the petitioner. Ex.P.6 and Ex.P.7 have been filed to show that the father of the petitioner was drawing pension from the Chennai Telephones. Ex.P.12 is a copy of the representation given by the petitioner claiming family pension for his brother to the Chennai Telephones. Ex.P.13 is the account in the joint name of the petitioner and V.Venkatesh.

5. Considering the medical reports filed by the petitioner, as the brother of the petitioner is not in a position to take care of himself due to his mental illness and schizophrenia suffered by him, 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 the brother of the mentally ill person is a fit person to be appointed as his guardian for his person and property.



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6. Accordingly, this petition is ordered, by appointing the petitioner as the Guardian of the person and property of mentally ill person Venkatesan and to receive family pension on behalf of the mentally ill person. 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.

21.03.2024

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