



O.P.No.561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :16.12.2024

Pronounced on :19.12.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.561 OF 2024

Troydon Scurville

.. Petitioner

/versus/

C.Treasure Mary De'Costa

.. Respondent

Prayer: Original Petition filed under Clause XVII of Letters Patent Act, 1865 to pass appropriate orders:

(a)appointing the petitioner herein as the guardian of the person and manager of properties of his brother Terron Scurville, Intellectually disabled person;

(b)Permit the petitioner to receive family pension on behalf of Terron Scurville, an intellectual Disability son of late Antony Lawrence Scurville, Retd., Mail Driver Spl.'A' Grade in Southern Railway from Southern Railway.



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For Petitioner :Mr.R.Ashraf Khan

ORDER

Original Petition is filed under Clause XVII of Letters Patent, 1865 to appoint the petitioner as guardian of Terron Scurville, aged 46 years (D.O.B. 18.03.1977), diagnosed as intellectually challenged person.

2. The petitioner is the brother of the said Terron Scurville. Their father and mother, Mr. Antony Lawrence Scurville and Mrs.Tulip Scurville, died on 24.05.1989 and 12.07.2022 respectively. They had two sons and one daughter. They are the petitioner, his brother Terron Scurville and sister Mrs.Treasure Mary De'Costa. Antony Lawrence Scurville retired from Southern Railways and was drawing pension. On his demise, his wife Mrs. Tulip Scurville was given family pension. Till her life time, the intellectually challenged boy was taken care by his mother. After her demise, the boy is under the care and custody of the his brother the petitioner herein.

3. The petition is filed for the following reliefs:-



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(a) appointing the petitioner herein as the guardian of the person and manager of properties of his brother Terron Scurville, Intellectually disabled person;

(b) permit the petitioner to receive family pension on behalf of Terron Scurville, an intellectual Disability son of late Antony Lawrence Scurville, Retd., Mail Driver Spl. 'A' Grade in Southern Railway from Southern Railway.

(c) granting such further or other reliefs to the petitioner as would be deemed appropriate in the circumstances of the case.

4. The petitioner is examined as PW-1. The following documents are marked as Ex.P-1 to Ex.P-9.

Ex.P1	Photocopy of the certificate issued by Southern Railways showing the dependants to Mr.A.L.Scurville who is the father of the petitioner and the disabled person.
Ex.P2	Photocopy of the certificate dated 16.03.2022 issued to Mrs.Terron Scurville by Southern Railway that he was an employee till his death.
Ex.P3	Photocopy of the pension payment order of Mr..Scurville.
Ex.P4	Computer generated death certificate of Mrs.Tulip Scurville.



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Ex.P5	Photocopy of the certificate of disability issued by Institute of Mental Health, Kilpauk, Chennai to Mr. Terron Scurville.
Ex.P6	Computer generated legal heir ship certificate of Mrs.Tulip Scurville.
Ex.P7	PW-1 declaration of willingness to act as guardian.
Ex.P8	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P9	Photocopy of the Aadhaar card of Mr.Terron Scurville.

5. From Ex.P-5 the Certificate of disability dated 28.07.2023 issued by the Institute of Mental Health, Kilpauk, Chennai, Mr.Terron Scurville. S/o Antony Lawrance Scrville, suffers 90% intellectual disability. His condition is not likely to improve. Ex.P-3 is the pension pay order of Antony Lawrence Scrville. Ex.P-6 is the legal heir certificate, which discloses that Antony Lawrance Scrville pre-deceased his wife. The petitioner, his unmarried brother (Terron Scurville) and married sister are the legal heirs.

6. The petitioner has given a consent affidavit that he will act as the guardian of his brother Terron Scurvelli, who is intellectually challenged.



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Hence, the petitioner Troydon Scurville, S/o Antony Lawrance Scurvelli is appointed as Legal Guardian of person and properties of Mr.Terron Scurvelli, S/o Antony Lawrance Scurvelli (intellectually challenged person).

7. As far as prayer (b):- to receive family pension on behalf of Terron Scurvelli, it shall be subject to the entitlement under the Southern Railways Pension Rules.

8. Accordingly, this Original Petition is allowed as stated above.

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Index:yes/no
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Petitioners' witness:-

PW-1: Mr.Troydon Scurville

Documents marked:-

Ex.P1	Photocopy of the certificate issued by Southern Railways showing
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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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