



N.SATHISH KUMAR, J.

This Petition has been filed for appointment of a guardian under Clause XVII of the Letters Patent of 1865 to appoint the petitioners as guardian of the person and manager of the properties of the mentally retarded person Mr.R.Venkatesh, and for operation and sale of his assets and liabilities, more fully set out in Schedules “A” & “B” hereunder.

2. The petitioners are the sisters of the mentally retarded person Mr.R.Venkatesh. It is the case of the petitioners that originally the parents, i.e., the father and mother were appointed as a guardian under the National Trust, Ministry of Social Justice & Empowerment, Government of India. However, on account of the death of their parents, the petitioners being his sisters seeks the Order from this Court.

3. The first petitioner herself was examined herself as P.W.1 and marked Ex.P.1 to Ex.P.7.



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4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for appointing them as a guardian and manager of the properties of the mentally retarded person namely Mr.R.Venkatesh. Ex.P.1 is the photocopy of the National Identity Card of Mr.R.Venkatesh issued by District Disabled Rehabilitation Officer, Chennai, Government of Tamil Nadu. Ex.P2 is the photocopy of the certificate of appointment of guardianship dated 10.11.2016 issued to Mr.S.Ramamurthy and Mrs.R.Sulochana by the Spastics Society of Tamil Nadu, Chennai, National Trust, Ministry of Social Justice & Empowerment, Government of India. Ex.P5 is the computer generated death certificate of Mrs.R.Sulochana. Ex.P6 is the computer generated death certificate of Mr.S.Ramamurthy Subramaniya Iyer. Ex.P7 is the computer generated legal heir certificate of Mr.S.Ramamurthy Subramaniya Iyer.

5. P.W.2, who is the Medical Officer, in his evidence has spoken that he is attending Mr.R.Venkatesh for treatment periodically for more than 3 years and is a mentally retarded person since his birth. In this regard, Ex.P8, the Original Certificate issued by the Medical Officer to Mr.R.Venkatesh is



marked as Ex.P8.

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6. When the Medical Officer himself has given the evidence before this Court as to the medical condition of the disabled and further taking note of the fact that under National Trust Act, the mentally retarded person's parents were already appointed as a guardian, now the parents are also no more. Hence, the petitioners being his sisters have to be necessarily appointed as guardians for the mentally retarded person namely Mr.R.Venkatesh.

7. In view of the above facts, this petition is ordered, by appointing the petitioners as guardian of the person and manager of the properties of the mentally retarded person Mr.R.Venkatesh, and for operation and sale of his assets and liabilities, more fully set out in Schedules "A" & "B". The petitioners shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

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