



O.P.No.618 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :03.01.2025

Pronounced on :07.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.618 OF 2024

Vincent Paulose
Son of Late P.D.Paulose
No.1/8, 6th Street,
Periyar Nagar, Muthapudhupettai,
Ambattur, Chennai 600 055.

.. Petitioner

Prayer: Original Petition has been filed under Clause XVII of the Letters Patent of 1865 praying to order directing to:

(i)appoint the petitioner as the guardian for the mentally ill-person Llyod Davis, son of late P.P.Davis and manager of the properties more fully described in the schedule of this petition belongs to the above named mentally ill person till his recovery and thus render justice.

(ii)permit the petitioner to manage the movable and immovable properties including rents or interest accrued from such properties for welfare of the mentally ill person Llyod Davis, son of late P.P.Davis as more fully described in the schedule of this petition till his recovery and thus render



justice.
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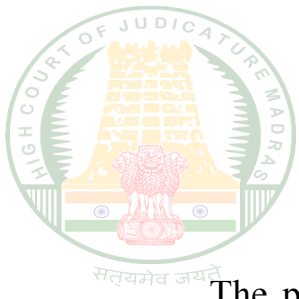
For Petitioner :Mrs.V.Kirubalani
No respondent

ORDER

This Original Petition for appointment of guardian filed under Clause XVII of the Letters Patent Act, 1865.

2. The petitioner is the younger brother of Late. P.P.Davis. He seeks guardianship for Llyod Davis, the only son of Late P.P.Davis and his wife Late Marian Davis. Llyod Davis is aged about 38 years. He suffers 60% schizophrenia and taking treatment at St.James Hospital, Chalakkudy, Thrissur District, Kerala. The Medical Officer-in-charge of the Patient had certified that Llyod Davis requires assistance/supervision for his daily activities due to his moderate disability and mental illness. The father of the mentally ill Llyod Davis served in Indian Railways and got retired. He died on 15/10/2021. His wife Marian Davis pre-deceased him on 10.10.2021.

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The parents of Llyod Davis had left immovables and securities morefully described in the schedule to the petition.

3. The petitioner states that, as the mentally ill person could not able to manage his own affairs, he is taking care and control of the mentally ill person. The Doctors examined him have advised for continuous care. Hence, seeks to appoint him as guardian to take care, custody of the person and properties of the Llyod Davis.

4. To substantiate his claim, the petitioner examined as PW-1. The following 9 documents are marked as exhibits, besides the medical certificate dated 17.12.2024 by the Medical Officer, in-charge of the patient Mr. Llyod Davis.

Ex.P1	Computer generated death certificate of Mr.Puthoor Poulose Davis
Ex.P2	Computer generated death certificate of Mrs.Marian Davis.
Ex.P3	Photocopy of his Aadhaar Card
Ex.P4	Photocopy of the Aadhaar Card of Mr.Lyoyd Davis.
Ex.P5	Photocopy of the receipt dated 12.10.2022 issued by HOPE & CHANGE, De-Addiction cum Rehabilitation Centre, Chennai



	116 in favour of Mr.Llyod Davis.
Ex.P6	Photocopy of the discharge summary issued by Sehizophrenia Research Foundation(India), Mamallapuram stating the medical condition of Mr.Llyod Davis.
Ex.P7	Computer generated legal heir ship certificate of Mr.Puthoor Poulose Davis.
Ex.P8	Photocopy of the certificate of disability issued to Mr.Lloyd Davis by Peripheral Hospital Campus, K.K.Nagar, Chennai-78.
Ex.P9	Certificate under Section 65B of the Indian Evidence Act, 1872.

5. The examination of the above documents relied and the evidence of PW-1 indicates that Mr.Llyod Davis is affected by Sehizophrenia. The illness is quantified as 60% and he is in continuous treatement at various hospitals. Under the said circumstances, it is appropriate to appoint the petitioner as guardian of the person and properties of the mentally challenged person for a limited purpose to operate the accounts and maintain the immovable property without any right to withdraw the principle lying in the bank accounts or to alienate/encumber the immovable properties except to lease or rent it, if necessary,



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6. The petitioner shall be empowered to withdraw the interest accrued on the deposits and rental income from the immovable property, which are to be utilised to maintain the medical expenses of Mr.Llyod Davis, till he recovers from his illness. The petitioner shall render accounts for the income and expenditures every six months from the date of the order.

7. Accordingly, **the Original Petition is allowed on the above terms.**

....01.2025

Index:yes/no
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Petitioner's witness:-
P.W.-1 : Mr.Vincent Paulose.



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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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