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O.P.No.813 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.813 of 2024

1.R.Narayanan
2.R.Viswanath
3.R.Meenakshi

...Petitioners

PRAYER: Original Petition filed to appoint Guardian under Clause XVII of the Letters Patent Act 1865, prays that this Hon'ble Court may be pleased

i. To appoint the 1st petitioner Mr.R.Narayanan as the guardian of the person and manager for the properties of the Mentally Ill sister Ms.R.Chitra.

ii. To permit the 1st petitioner Mr.R.Narayanan to receive the pensionary benefits of N.Ramachandran from the Railway Department on behalf of the mentally Ill sister Ms.R.Chitra and to expend the same for the welfare of his sister Ms.R.Chitra.

iii. To appoint the 1st petitioner Mr.R.Narayanan to deal with the bank accounts in the name of R.Chitra at State Bank of India, K.K.Nagar Branch bearing Account Nos.00000039872028775 & 00000039886802350.

iv. To appoint the 1st petitioner Mr.R.Naraynan to manage the 1/4th share of R.Chitra in the schedule mentioned property.

v. To pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Sathish Rajan

**ORDER**

This petition is presented by the elder brothers and sister of Ms.R.Chitra, who is said to be mentally disabled person. By this petition, the petitioners seek to appoint first petitioner him as the guardian of the person and the properties of Ms.R.Chitra.

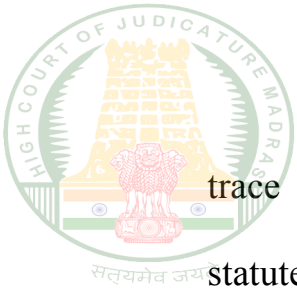
2. The first petitioner states that the petitioners and the ward Ms.R.Chitra were the children of Late.Mr.N.Ramachandran and Late.Mrs.R.Lakshmi. The petitioner states that his father Late.Mr.N.Ramachandran was a retired railway employee who was receiving his pension till his death on 22.02.2015, after which his mother Late.Mrs.R.Lakshmi received the family pension until her death on 05.10.2020. Now the above said ward Ms.R.Chitra is entitled to the family pension as the dependent child of Late.Mr.N.Ramachandran. He states that the above mentioned ward Ms.R.Chitra is mentally ill by birth and owing to her illness she cannot handle the pension benefits nor manage her share of property mentioned in the schedule. Therefore, it is necessary to appoint the first petitioner herein as the manager of the person and properties of Ms.R.Chitra.



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3. The first petitioner has been examined as PW1. He has produced the computer generated death certificates of Late.Mr.N.Ramachandran and Late.Mrs.R.Lakshmi as Ex.P2 and Ex.P3. The computer generated legal heirship certificate of Late.Mr.N.Ramachandran as Ex.P4, which shows that petitioners and ward are the children and only surviving legal heirs of the deceased. The adhaar card of the first petitioner and the ward Ms.R.Chitra has been marked as Ex.P8 and Ex.P11. On perusal Ex.P4 and Ex.P8 its clear that the first petitioner is the brother of the said ward Ms.R.Chitra. Further on perusal of chief examination of PW1, he deposed as his sister, ward is mentally ill. The consent affidavit of the petitioner 2 and 3 had been produced to appoint the first petitioner as the guardian.

4. A certificate of disability of the ward Ms.R.Chitra has been submitted, in which she has been evaluated for a mental illness of OCD and Psychosis with a 70% disability. The same even though was not marked as the document and when queried, it was stated that the master refused to allowed it to be marked through PW1 and insisted it to be marked only through the doctor who had issued the certificate and they were unable to



trace the doctor. Considering that the certificate has been issued under a statute this court takes it on record as Ex.P13 in the interest of Justice.

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5. The assertions in the petition have been duly proved by adducing oral and documentary evidence. In these circumstances, the petitioner is entitled to the relief.

6. Accordingly, the original petition is allowed on the following terms;

(i) the first petitioner is appointed as the guardian of the person and manager of the properties described in the schedule as regards to Ms.R.Chitra.

(ii) The first petitioner can receive the pensionary benefits on behalf of the above said ward Ms.R.Chitra and he can expend the same for the medical expenses and welfare of the said ward.

(iii) The appointed guardian is at the liberty to manage the securities and Ms.R.Chitra's share in the property mentioned on schedule with due diligence.

(iv) The first petitioner shall file an affidavit of compliance



along with a statement of accounts in the registry.

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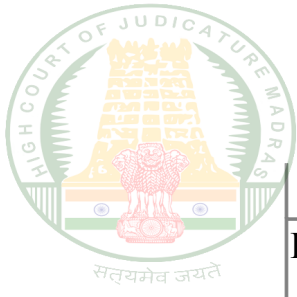
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.R.Narayanan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed dated 21.11.1985 executed in favour of Mr.N.Ramachandran (Compared with the original)
Ex.P2	Computer generated death certificate of Mr.N.Ramachandran.
Ex.P3	Computer generated death certificate of Mrs.R.Lakshmi.
Ex.P4	Computer generated legal heirship certificate of Mr.N.Ramachandran.
Ex.P5	Photocopy of the family card of Mr.N.Ramachandran for the period 2005-2009(Compared with the original)
Ex.P6	Computer generated savings account statement for the period 01.10.2023 to 01.04.2024 issued by SBI, KK Nagar Branch, Chennai in respect of account held by Mrs.R.Chitra.
Ex.P7	Computer generated account statement for the period 01.1.2024 to 01.04.2024 issued by SBI, KK Nagar Branch, Chennai in respect of account held by Mrs.R.Chitra.
Ex.P8	Photocopy of Aadhar card (Compared with the original)
Ex.P9	Photocopy of Aadhar card of 2 nd petitioner (Compared with



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	the original)
Ex.P10	Photocopy of Aadhar card of 3 rd petitioner (Compared with the original)
Ex.P11	Photocopy of Aadhar card of Ms.R.Chitra (Compared with the original)
Ex.P12	Certificate under Section 65 B of the Indian Evidence Act, 1872.

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