



O.P.No.345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

OP No.345 of 2025

1. R.Navin Kumar
S/o.Rajakumar

2. N.Samundeeswari

...Petitioners

PRAYER : Original Petition is filed under Clause XVII of the Letters Patent of 1865 praying to appoint the petitioners as joint guardians of the disabled person Miss V.S.P.Sivapriya and as manager of her property/assets of proposed family pension (including its arrears) which is morefully described in this application schedule hereunder and to administer and utilize the same for her welfare activities.

For Petitioners : Mr.K.Senthil Kumar

ORDER

This petition has been filed under Clause XVII of the Letters Patent of 1865 by the petitioners to appoint them as guardians of the disabled person Ms. V.S.P. Sivapriya and as manager of her property/assets of the



proposed family pension (including its arrears) and to administer and utilize the same for her welfare activities.

2(a). According to the petitioners, they are husband and wife. The second petitioner's parents, namely father Mr. V.S. Prathap Singh and mother Mrs.P.Sasi Devi, both died in the year 1982, and they had three legal heirs, i.e., two daughters and one son, namely (i) Mrs.N.Samundeeswari (2nd petitioner herein) (ii). Ms.V.S.P. Sivapriya and iii. Mr.V.S.P.Kumaran. The second daughter, Ms. V.S.P. Sivapriya, is presently aged about 54 years and has the complaint of Cerebral Palsy [Spastic CP] and Locomotor disability from her childhood. The said disability has been certified by the Commissionerate for the Welfare of the Differently Abled, Government Peripheral Hospital, K.K. Nagar, Chennai.

(b). Apart from that, the Government Peripheral Hospital had issued another certificate dated 29.04.2022 stating that the said Ms. V.S.P. Sivapriya suffers from 80% intellectual disability. The said disabled person, Ms. V.S.P. Sivapriya, was looked after by her parents from her childhood.



After the demise of her parents, the second petitioner, Mrs. N. Samundeeswari, being the sister, is maintaining and taking care of the disabled person, Ms. V. S. P. Sivapriya. The second petitioner got married to the first petitioner in the year 1991. After their marriage, both the petitioners jointly maintained and took care of the disabled person, Ms. V.S.P. Sivapriya, till date. The father of the said Ms. V.S.P. Sivapriya was working under the Tamil Nadu State Government/Electricity Board (TNEB) and died on 04.04.1982, and his wife, Mrs. Sasi Devi, the mother of Ms. V.S.P. Sivapriya, also died on 29.04.1982.

(c). As per the Pension Rules, after the death of a Government Employee, and his wife and his unmarried daughters are eligible to get a family pension. The said Ms.V.S.P.Sivapriya is the unmarried daughter of the deceased Government Servant, namely Mr.V.S.Prathap Singh. The first petitioner, one Mr. R. Navin Kumar, has applied on behalf of Ms.V.S.P. Sivapriya, claiming compassionate family pension and its arrears to her from the TANGEDCO (formerly TNEB). The officials of the TANGEDCO, through a letter dated 03.02.2025, asked the petitioners to get a



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guardianship appointment certificate for the said Ms.V.S.P. Sivapriya from the Court and the petitioners are taking care of the said Ms.V.S.P. Sivapriya, and they have no adverse interest against Ms. V.S.P. Sivapriya. Therefore, they filed this application to appoint them as guardian of the disabled person Ms. V.S.P. Sivapriya.

3. After filing of this petition, paper publication was effected, and there was no objection from any party. Thereafter, the matter was posted for examination of witnesses.

4. In order to prove the case of the petitioners, they examined P.W.1 and P.W.2 and marked Exs. P1 to P16.

5. This Court also perused the evidence and the entire records.

6. On a careful perusal of the evidence of P.W.1 and P.W.2 and the documents Exs. P1 to P16, they revealed that P.W.1 is the first petitioner/husband. P.W.2 is the second petitioner/wife, and both the



petitioners have categorically stated about the averments of the petition that they have no any adverse interest against the disabled person, and the said Ms.V.S.P.Sivapriya, is under the care and custody of the petitioners, and the father of the second petitioner was an employee under TANGEDCO, earlier TNEB, and he died during the course of his employment, and the said Ms.V.S.P.Sivapriya being an unmarried daughter of the employee Mr.V.S.Prathap Singh, is entitled to a family pension. To that effect, the Department also sought a Guardianship Certificate from the Court. Therefore, for the family pension purposes, the petitioners need a Guardianship Certificate. Hence, the petitioners have to be declared as guardians to the differently abled person Ms. V.S.P. Sivapriya.

7. In view of the same, the petitioners are entitled to the relief as prayed for in this petition, and both the petitioners are appointed as Guardian of person and property of the differently abled person Ms.V.S.P. Sivapriya and to receive the family pension on behalf of the differently abled person Ms. V.S.P. Sivapriya.



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8. With the above-said observations, this **original petition is allowed**. The petitioners, namely R. Navin Kumar (brother-in-law) and Mrs. N. Samundeeswari (sister) of the differently abled person Ms.V.S.P. Sivapriya, are appointed as guardians to the person and property of the differently abled person, namely Ms.V.S.P. Sivapriya, and the petitioners are permitted to receive the family pension on behalf of the differently abled person, namely Ms.V.S.P. Sivapriya, and expend the same for the welfare of Ms.V.S.P.Sivapriya.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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APPENDIX:

List of Petitioner side Witnesses:

P.W.1 : Mr.R.Navin Kumar
P.W.2 : Mrs.N.Samundeeswari



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List of Petitioners' side Documents:

Exhibit No.	Date	Description of Documents
Ex.P1	31.01.2023	Computer generated Death Certificate of Mr.V.S.Prathap Singh.
Ex.P2	04.11.2022	Computer generated Death Certificate of Mrs.P.Sasi Devi.
Ex.P3	02.02.2023	Computer generated Legal Heir Certificate of Mrs.P.Sasi Devi.
Ex.P4	04.11.2022	Computer generated Birth Certificate of Ms.V.S.P.Sivapriya.
Ex.P5	---	Photocopy of the Aadhaar Card of Ms.V.S.P.Sivapriya.
Ex.P6	---	Photocopy of the Pass Book of Ms.V.S.P.Sivapriya issued by Department for the Welfare of the Differently Abled.
Ex.P7	29.04.2022	Photocopy of Concession Certificate for Person with Disabilities (Divyangian) of Miss.V.S.P.Sivapriya.
Ex.P8	11.05.2022	Photocopy of Unique Disability Identity Card of Miss.V.S.P.Sivapriya.
Ex.P9	---	Photocopy of the Aadhaar Card of the first petitioner namely Mr.R.Navin Kumar.
Ex.P10	---	Photocopy of the Aadhaar Card of the second petitioner namely Mrs.N. Samundeeswari.
Ex.P11	---	Photocopy of the letter sent by Mr.K.Jayaraman to Miss V.S.P.Sivapriya.
Ex.P12	---	Photograph and Compact Disc of Miss V.S.P.Sivapriya.



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Ex.P13	24.06.2022	Computer generated Unmarried Certificate of Miss.V.S.P.Sivapriya.
Ex.P14	---	The Declaration Statement of Willingness.
Ex.P15	---	Certificate under Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023.
Ex.P16	---	Photocopy of the Disability Certificate of Miss.V.S.P.Sivapriya.

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