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O.P. No.297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM :

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

**O.P. No.297 of 2025**

Vijaya W/o. Janakiraman

.... Petitioner

**PRAYER:** The Original Petition has been filed under Clause XVII of Letter Patent Act praying to appoint the petitioner as guardian of the person and Manager of the property of mentally ill person, to permit the petitioner to receive the pension amount on behalf of the mentally ill person, and to permit the petitioner to expend the same for the welfare of the mentally ill person.

For Petitioner

: Mr. Yash.B.

**ORDER**

This Original Petition has been filed by the petitioner to appoint her as a guardian of a mentally ill person and manager of her property and to receive the pension amount on behalf of the mentally ill person and to spend the same for the welfare of the mentally ill person.

2. According to the petitioner, her late father namely Mr. V.S. Mani was working as Personal Assistant to the Collector of South Arcot District and he retired from service during the year 1989 and he was receiving



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pension. The petitioner has four elder sisters and the petitioner's fourth elder

sister Ms. M. Selvi is suffering from Chronic Paranoid Schizophrenia with

permanent disability of 50% and therefore, she is unable to take care of her

property and to earn for her livelihood and she is residing with the petitioner.

The mother and father of the petitioner passed away on 05.11.2004 and

18.04.2021 respectively leaving the petitioner and her 4 elder sisters as their

surviving legal heirs. The elder 3 sisters of the petitioner are married and the

4<sup>th</sup> elder sister, who is mentally ill person, remains unmarried and is under

the care and custody of the petitioner. The 1<sup>st</sup> elder of the petitioner namely

Kousalya passed away in the year 2001. The other two sisters have given

their no objection to appoint the petitioner as guardian of their mentally ill

sister. The petitioner's father filed an application to give his pension amount

in favour of his mentally ill daughter Ms. M. Selvi as she is suffering with

permanent disability of 50% and vide order dated 21.03.2006 in Na. Ka

10134/05/BA4 passed by the Cuddalore District President, the petitioner was

appointed as limited guardian of the said Ms. M. Selvi and as pension holder

of her father late V.S. Mani. Further, after the demise of her father, the

petitioner is the limited guardian of her mentally ill sister for a period of 3

years. The mentally ill person Ms. M. Selvi is entirely depending on the

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petitioner and the petitioner, being the housewife, is taking care of her sister and she finds it difficult to continue the recurring process of renewing the limited guardianship for every 3 years. She has absolutely no adverse interest against her mentally ill sister. Therefore, the petitioner has filed this petition to appoint her as guardian of the person and property of her mentally ill sister and to receive the pension on behalf of her.

3. After filing of this petition, paper publication was effected and no any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.14 were marked.

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

5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.14, they revealed that the petitioner and her four elder sisters are the legal heirs of deceased Mr. V.S. Mani. The parents of the petitioner are no more. One of the elder sisters namely Kousalya also died. The petitioner's fourth elder sister namely Ms. M. Selvi is a mentally ill person and she is suffering from



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Chronic Paranoid Schizophrenia with permanent disability of 50%. As per

the request of the father of the petitioner, after his demise, the pension

amount is credited in the name of the petitioner's sister, who is mentally ill

person and she is now under the care and custody of the petitioner herein.

The petitioner's mentally ill sister is not in a position to take care of herself

and to earn for her livelihood. The petitioner being the sister, is the care-

taker of her mentally ill sister and therefore, she has to be appointed as a

'Guardian' and allowed to withdraw the pension amount for the welfare of her

mentally ill sister. There is no any adverse interest for the petitioner against

her sister. The other two sisters and the husband of this petitioner have filed

their consent affidavits to appoint this petitioner as 'guardian'. Therefore, in

the interest of mentally ill person, this petition has to be allowed.

6. In view of the above discussions, this **original petition is allowed on the following terms:**

**1. The petitioner is appointed as 'Guardian' of the person and Manager of the property of mentally ill person,**

**2. She is also permitted to receive the pension amount on behalf of**



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the mentally ill person, and

3. She is also permitted to expend the same for the welfare of the mentally ill person.

4. Upon complying with the above directions, an affidavit of compliance shall be filed in the Registry.

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Index : Yes/No  
Speaking Order : Yes/No  
mjs

**APPENDIX:**

**List of Petitioner side Witnesses:**

PW1 : Mrs. J. Vijaya

**List of Petitioner side Documents:**

| Exhibit No. | Date       | Description of Documents.                                               |
|-------------|------------|-------------------------------------------------------------------------|
| Ex.P.1.     | 13.07.1992 | Photocopy of the pension order.                                         |
| Ex.P.2      | 21.03.2006 | Photocopy of the appointment order.                                     |
| Ex.P.3      | 18.04.2021 | Computer generated copy of the Death Certificate of Mr. V.S. Mani.      |
| Ex.P.4.     | 05.11.2004 | Computer generated copy of the Death Certificate of Mrs. Mohana.        |
| Ex.P.5      | 05.09.2001 | Computer generated copy of the Death Certificate of Mrs. Kousalya.      |
| Ex.P.6      | 08.03.2022 | Computer generated copy of the Legal Heir Certificate of Mr. V.S. Mani. |
| Ex.P.7      | 06.10.2022 | Photocopy of the medical report.                                        |
| Ex.P.8      | 19.10.2022 | Photocopy of the 'No objection Certificate'.                            |
| Ex.P.9      | 24.02.2023 | Photocopy of the appointment of limited guardianship.                   |
| Ex.P.10     | -          | Photocopy of the Aadhar Card of Ms. M. Selvi.                           |
| Ex.P.11     | -          | Photocopy of PW1's Aadhar Card.                                         |
| Ex.P.12     | 06.07.2025 | One issue of paper publication effected in Tamil Daily                  |



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Ex.P.13

06.07.2025

“Makkal Kural”.

One issue of Paper publication effected in English Daily

“Trinity Mirror”.

Ex.P.14

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Certificate under Section 63(4)(c) of B.S.A. filed for  
Exs.P.3 to P6.

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