



O.P.No.580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.580 of 2024

Somil Naidu

... Petitioner

PRAYER: Original Petition filed for appointment of Guardian and Estate of mentally-ill person under Clause XVII of the Letters Patent of 1865 prayed a) to appoint the petitioner as the guardian of the person and manager of the properties, of the mentally retard person Mr.Moorthy Naidu S/o Mr.Narayana Ponnusamy Naidu; b) permit the petitioner to proceed with the sale to be made benefit of the mentally retard person Mr.Moorthy Naidu, S/o. Mr.Narayana Ponnusamy Naidu, for operation and sale of his assets and liabilities more fully set out in Schedule of property hereunder; c) that the guardian may beat liberty to raise the said sum of Rs.2,65,187/-, by selling property mentioned in Schedule hereto and to apply the said sum for medical purposes and welfare of the mentally retard person Mr.Moorthy Naidu, S/o Mr.Narayana Ponnusamy Naidu and d) pass such other further order.

For Petitioner : Mr.T.Elumalai

ORDER

This petition is presented by the younger brother of Mr.Moorthy Naidu, who is said to be mentally retarded person. By this petition, the



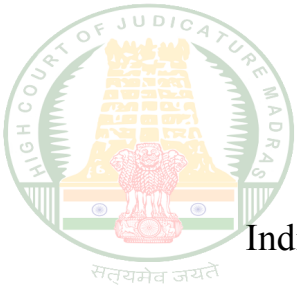
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petitioner seeks to appoint him as the guardian of the person and the properties of Mr.Moorthy Naidu.

2. The petitioner states that Mr.Narayana Ponnusamy Naidu was married to Mrs.Alamelu and gave birth to six children. The petitioner and Mr.Moorthy Naidu, mentally retarded person are the third and fourth children of the said couple. The father of the petitioner was taking care of Mr.Moorthy Naidu till his last breath. Thereafter, mother took care of him. Later, the petitioner started to take care of both his mother and his younger brother Mr.Moorthy Naidu. After the lifetime of his mother, who died on 23.06.2023, the petitioner was taking care of his mentally retarded brother. He has been feeding him and giving him timely medical attention as an elder brother. The petitioner submits that Mr.Moorthy Naidu is mentally unsound since his birth and doctors declared that it is impossible to cure his insanity. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person and properties of Mr.Moorthy Naidu.

3. The petitioner has examined himself as PW1. He has produced a photocopy of a Medical certificate issued by the steel authority of



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India Ltd to exhibit the mental condition of Mr.Moorthy Naidu as
WEB COPEXP2 and the photocopy of the disability certificate issued by the
District Government Hospital, Salem as Exp5. The photocopy of the
VAO certificate as Exp3.

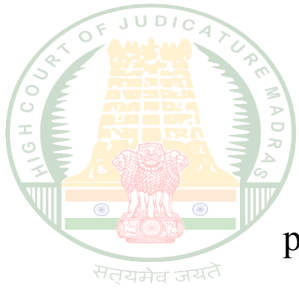
4. The assertions in the petition have been duly proved by
adducing oral and documentary evidence. In these circumstances, the
petitioner is entitled to the relief.

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

(i)the petitioner is appointed as the guardian of the person and
manager of the properties described in the schedule as regards to
Mr.Moorthy Naidu.

(ii)the petitioner is permitted to proceed with the sale of the
schedule properties to be made to benefit Mr.Moorthy Naidu.

(iii)The guardian is at the liberty to raise funds by selling



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property mentioned in the schedule of the petition and utilise the
WEB COPY said sum for medical purposes and welfare of Mr.Moorthy
Naidu.

(iv) the petitioner shall file an affidavit of compliance along with
a statement of accounts in the registry.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mr.Somil Naidu



Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 26.10.1995 executed in favour of Mr.P.Shanmugam Naidu and four others (Compared with the original)
Ex.P2	Photocopy of the medical certificate dated 22.03.2012 issued by Chief Medical Officer of Salem Steel Plant to Mr.Murthi Naidu (Compared with the original)
Ex.P3	Photocopy of the certificate issued by VAO, Maramangalathupatti village, Salem to Mr.Murthi Naidu (compared with the original)
Ex.P4	Photocopy of the certificate of disability issued to Mr.Moorthi Naidu by Assistant Professor of Psychiatry, Government Mohan Kumaramangalam Medical College Hospital, Salem (Compared with the original)
Ex.P5	Photocopy of the death certificate of Mrs.Alamelu Naidu (Compared with the original)
Ex.P6	Computer generated legal heir ship certificate of Mr.Abbai Naidu
Ex.P7	Photocopy of PW-1's Aadhar Card (Compared with the original)
Ex.P8	Photocopy of the Aadhar Card of Mr.Moorthy Naidu (Compared with the original)
Ex.P9	Photocopy of PW-1's family card for the period 2005-2009 (Compared with original)
Ex.P10	Webcopy of the order dated 27.01.2022 in OP.No.731 of 2021 passed by this Court
Ex.P11	Certificate under Section 65B of the Indian Evidence Act, 1872.

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