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O.P.No.493 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.03.2025**

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

O.P.No.493 of 2024

1.P.Praveen

2.P.Mekala

...Petitioners

vs.

Nil

...Respondent

PRAYER: Original Petition filed under Clause 17 of the Letter Patents Act, 1865, praying to

a) declare and appoint the 1st petitioner P.Praveen, son of Paramanathan as the fit and proper person to be guardian of the person and manager of the properties of the mentally retarded person P.Devi and permit the petitioner to receive family person on behalf of P.Devi from the Greater Chennai Corporation as mentioned in Schedule and

b) pass such further or other orders on this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.P.Sankaranarayanan

ORDER

This petition is presented by the Siblings of Ms.Devi.P, who is said to be mentally retarded person. By this petition, the petitioners seek to appoint



the first petitioner as the guardian of the person and the properties of
Ms.Devi.P

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2. The petitioners state that Mr.Paramananthan was married to Mrs.Engamma and gave birth to three children including Ms.Devi.P. The mother of the petitioners worked as sanitary worker in the Greater Chennai Corporation and was taking care of Ms.Devi.P till her last breath. The father of the petitioners and Ms.Devi.P had deserted them even before the death of their mother and his whereabouts is not known to them. After the lifetime of her mother, who died on 10.02.2019, the first petitioner was taking care of his mentally retarded elder sister. He has been feeding her and giving her timely medical attention as brother. The first petitioner submits that Ms.Devi.P is a mentally disabled person since her birth who is suffering from moderate intellectual disability. Therefore, it is necessary to appoint the first petitioner herein as the manager of the properties of the person and properties of Ms.Devi.P to receive the family pension for the benefit of Ms.Devi.P.

3. The first petitioner has been examined as PW1. He has produced a photocopy of the passbook issued by the District Disability and Rehabilitation, Government of Tamil Nadu and the disability certificate



issued by Institute of Mental Health, Kilpauk, Chennai as Ex.P3 and Ex.P10

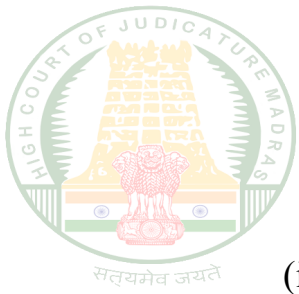
to establish the mental condition of Ms.Devi.P. The death certificate of the mother of the petitioners and Ms.Devi.P as Ex.P8. The legal heir certificate of the mother of the petitioners and Ms.Devi.P as Ex.P9. The proceeding dated 31.01.2024 issued by Accounts Officer, Public(Pension), Greater Chennai Corporation as Ex.P11, to show the pending payment of family pension.

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

5. 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 as regards to Ms.Devi.P.

(ii) the first petitioner is permitted to receive the family pension on behalf of Ms.Devi.P from the Greater Chennai Corporation as mentioned in the petition schedule and utilize the same for the benefit and needs of Ms.Devi.P.



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(iii) the first petitioner shall file an affidavit of compliance along with a statement of accounts in the Registry.

06.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.P.Praveen

P.W.2 - Dr.N.Prabhu

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of Ms.P.Devi.
Ex.P2	Photocopy of the Aadhar card of Ms.P.Devi (Compared with the original)
Ex.P3	Photocopy of the passbook issued by the District Disability and Rehabilitation, Government of Tamilnadu to Ms.P.Devi (Compared with the original)
Ex.P4	My computer generated birth certificate.
Ex.P5	Photocopy of my Aadhar Card (Compared with the original)
Ex.P6	Computer generated birth certificate of Ms.P.Mekala.
Ex.P7	Photocopy of the Aadhaar Card of Ms.P.Mekala the second petitioner herein (Compared with the original)
Ex.P8	Computer generated death certificate of Mrs.Engamma.
Ex.P9	Computer generated legal heir ship certificate of Mrs.Engamma.
Ex.P10	Photocopy of the certificate of disability issued for Ms.P.Devi by Institute of Mental Health, Kilpauk, Chennai (Compared with the original)



WEB COPY

O.P.No.493 of



<i>Exhibits</i>	<i>Documents</i>
Ex.P11	Photocopy of the proceedings dated 31.01.2024 issued by Accounts Officer, Public (Pension), Greater Chennai Corporation (witness states that the original has been misplaced. This document is marked subject to its admissibility, proof and relevancy.)
Ex.P12	My declaration of my willingness.
Ex.P13	Certificate under Section 65 B of the Indian Evidence Act, 1872.

06.03.2025

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O.P.No.493 of



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