



O.P. No.393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.393 of 2025

V.Pankajam

... Petitioner

PRAYER: Original Petition is filed under Clause 17 of Letters Patent to appoint the petitioner as guardian of the person and manager of the property of the mentally retarded person, viz., Selvi.B.Arunasri and permit the petitioner to receive the benefits of the mentally retarded person, viz., Selvi B.Arunasri.

For Petitioner : Mr. E.Senthilkumar

ORDER

This petition has been filed under Clause 17 of Letters Patent to appoint the petitioner as guardian of the person and manager of the property of the mentally retarded person, viz., Selvi.B.Arunasri and permit the



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petitioner to receive the benefits of the mentally retarded person, viz., Selvi B.Arunasri.

2. According to the petitioner, the petitioner and the mother of the mentally retarded person, viz., C.B.Renuga are sisters. The petitioner is the maternal aunt of the mentally retarded person Selvi. B.Arunasri. The petitioner's sister, C.B.Renuga married to one Balasubramaniam and out of their wedlock, Arunasri was born on 21.05.1974 and from her childhood, her intelligence quotient level was 35% and her intellectual disability was 65% and now the mentally retarded person is aged 51 years. The husband of the petitioner, viz., Dr.C.S.Viswanathan and the father of the mentally retarded person, viz., C.Balasubramaniam are own brothers. The petitioner's sister, who is the mother of the mentally retarded person, died on 14.02.2019 and thereafter, father of the mentally retarded person was taking care of her and he died on 15.04.2025. The petitioner's husband, viz., Dr.C.S.Viswanathan, brother of C.Balasubramaniam pre-deceased him on 03.12.2015 leaving the petitioner herein and his only son, viz., C.V.Shavankumar, as his only Class-I

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Legal heirs. Initially the mentally retarded person was granted a sum of

Rs.400/- per month towards financial aid under the scheme for financial assistance to the disabled persons, vide proceedings of the Special Tahsildar Diasaster Relief Project, Chennai and the said amount was periodically enhanced and now, Rs.3,000/- is granted towards financial aid and the same was withdrawn for the welfare of the mentally retarded person. After the death of the parents of the mentally retarded person, the petitioner, who is the maternal aunt is the only caretaker of the said person and she is in a good position having good character to take care of the mentally retarded person.

For the welfare and benefit of the mentally retarded person, Guardianship certificate is necessary to receive the benefits of the mentally retarded person, viz., Selvi B.Arunasri and the petitioner has absolutely no adverse interest against her sister's daughter, Selvi B.Arunasri, who is a mentally retarded person. Therefore, the petitioner has filed this petition seeking permission to appoint her as guardian of the person and manager of the property of the mentally retarded person, viz., Selvi B.Arunasri.

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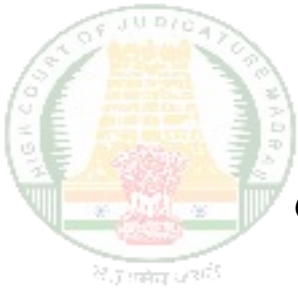
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3. After filing of this petition, paper publication was effected and no any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, P.W.1 was examined and exhibits Ex.P.1 to Ex.P.11 were marked.

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

5. As per the evidence of P.W.1 and the documents Ex.P.1. to Ex.P.11, revealed that the petitioner is the maternal aunt of the mentally retarded person. The parents of the mentally retarded person are no more and the petitioner being the maternal aunt, is the only care-taker of the mentally retarded person. Therefore, it is quite possible for the petitioner to find it difficult to maintain herself and the mentally retarded person. There is no any adverse interest against the mentally retarded person and the permission sought to receive the benefits is for the welfare and interest of mentally retarded person. Therefore, in the interest of the mentally retarded person, this petition has to be allowed.

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

The petitioner is appointed as guardian of the mentally retarded person, viz., Arunasri /Arunasree and permitted to receive the benefits of the said mentally retarded person for the well being of the said person.

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Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. V.Pankajam

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Photocopy of birth Certificate of Ms.Arunasree
Ex.P.2	07.10.2025	Photocopy of National Identity Card issued by Government of Tamilnadu to Ms.Arunasree on 07.10.2025



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Ex.P.3	-	National Identity Card Pass Book and Disability Certificate issued by Government of Tamilnadu to Ms.Arunasree
Ex.P.4.	28.08.2006	Photocopy of the proceedings of the Tahsildar issued to Ms.Arunasree
Ex.P.5	-	Photocopy of Bank Passbook issued by Indian Bank of India jointly standing in the name of Mr.C.Balasubramaniam and Ms.Arunasree
Ex.P.6	-	Computer generated death certificate of Dr.C.S.Viswanathan
Ex.P.7	-	Computer generated death certificate of C.B.Renuka
Ex.P.8	-	Computer generated death certificate of Mr.Balasubramaniam
Ex.P.9	-	Affidavit filed by the petitioner under Section 63 of BSA for downloaded documents
Ex.P.10	24.08.2025	Copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural'
Ex.P.11	24.08.2025	Copy of paper publication effected in one issue of English Daily 'Trinity Mirror'

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