



WEB COPY

O.P.No.332 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.02.2025**

CORAM

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

O.P.No.332 of 2024

C.Nandhini

...Petitioner

VS.

1.Kumar

2.Arunkumar

...Respondents

PRAYER: Original Petition filed for appointment of Guardian under Clause XVII of Letters Patent Act, praying that this Hon'ble Court may be pleased to appoint the petitioner as legal guardian of the person and manager to the properties to maintain mentally retarded Sevvanthi and authority to operate bank account namely savings account no.6641120995 stands in the name of Sevvanthi at Indian Bank, Rangarajapuram Branch, Chennai and render true account therefor and pass such other order or further orders which may be deem fit and proper on the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.S.Pushpakaran

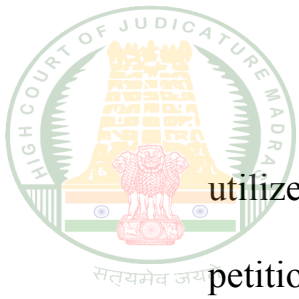
For Respondents : No appearance

**ORDER**

WEB COPY

This petition is presented by the sister-in-law of Ms.Sevvanthi, who is said to be mentally retarded person. By this petition, the petitioner seeks to appoint her as the guardian of the person and the properties of Ms.Sevvanthi.

2. The petitioner states that one Jayachithra was married to the first respondent and begotten two children, one is the second respondent and the other is Ms.Sevvanthi. The second respondent got married to the petitioner. Ms.Sevvanthi was born on 27.12.2005 and studying in BVSN Murthy Centre for special children. Ms.Sevvathi was receiving financial aid from the Government of Tamil Nadu through her bank account which was operated by her mother Jayachithra. The mother of Ms.Sevvanthi and the second respondent committed suicide on 03.03.2020. After the demise of mother, the petitioner alone is taking care of Ms.Sevvanthi, being her sister-in-law, since the respondents 1 and 2 are very irresponsible persons. The petitioner is a house wife and does not have sufficient means to take care of all the needs of Ms.Sevvanthi. Therefore, in order to operate the bank account and to



utilize the same in favour of Ms.Sevvanthi, it is necessary to appoint the petitioner herein as legal guardian of the person and manager to the properties.

WEB COPY

3. The petitioner has examined herself as PW1. She has produced the computer generated birth certificate of Ms.Sevvanthi as Ex.P9. The death certificate of the mother of Ms.Sevvanthi as Ex.P10. She has produced a photocopy of the School identity card of Ms.Sevvanthi issued by B.V.S.N. Murthy Centre (Unit of Public Health Centre) as Ex.P11. The photocopy of the Aadhar card of Ms.Sevvanthi and the respondents were marked as Ex.P1, Ex.P3 and Ex.P4. On perusal of Ex.P1, Ex.P3 and Ex.P4, shows that the father name of Ms.Sevvanthi and the second respondent are one and the same. From this, it is inferred that Ms.Sevvanthi and the second respondent are the siblings and the first respondent is the father of the siblings. The respondents inspite of service of notice on them, had kept themselves away from this proceedings.(No proof for the marriage between the petitioner and the second respondent)



WEB COPY

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 legal guardian of the person and manager of the properties described in the schedule as regards to Ms.Sevvanthi.

(ii) the petitioner is permitted to operate bank account namely savings account No.6641120995 stands in the name of Sevvanthi at Indian Bank, Rangarjapuram Branch, Chennai to benefit Ms.Sevvanthi.

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

28.02.2025



Index :Yes/No

WEB COPY

Petitioner's witness:

P.W.1 – Mrs.C.Nandhini

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Aadhaar Card of the mentally retarded person Ms.Sevvanthi (Compared with the original)
Ex.P2	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P3	Photocopy of the Aadhaar Card of the first respondent (Compared with the original)
Ex.P4	Photocopy of the Aadhaar Card of the second respondent (Compared with the original)
Ex.P5	Photocopy of the passbook issued by Department for the Welfare of the Differently Abled to Ms.Sevvanthi (Compared with the original)
Ex.P6	Photocopy of the certificate of disability issued to Ms.Sevvanthi by Senior Assistant Professor, Kilpauk, Chennai (Compared with the original)
Ex.P7	Photocopy of the Indian Bank passbook Rangarajapuram branch standing in the name of Ms.Sevvanthi bearing A/c.No.6641120995 (Compared with the original)
Ex.P8	Photocopy of the family card of the first respondent (Compared with the original)
Ex.P9	Computer generated birth certificate of Ms.K.Sevvanthi.
Ex.P10	Computer generated death certificate of Mrs.Jayachitra.
Ex.P11	Photocopy of the school identity card of Ms.K.Sevvanthi issued by B.V.S.N.Murthy Centre(Unit of Public Health Centre) (Compared with the original)



WEB COPY

O.P.No.332 of



<i>Exhibits</i>	<i>Documents</i>
Ex.P12	Certificate under Section 65 B of the Indian Evidence Act, 1872.

28.02.2025

kak



WEB COPY

O.P.No.332 of



K.KUMARESH BABU, J.

kak

O.P.No.332 of 2024

28.02.2025