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O.P. No.825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.825 of 2024

K. P. Swaminathan S/o. Late S. Panchapakesan ... Petitioner

vs

1. Shanthi W/o.. Balasubramanian

2. Kalpana W/o. Sivakumar

3. Vijayalakshmi W/o. Srinivasan ... Respondents

PRAYER: Original Petition is filed under Clause XVIII of Letters Patent Act 1865 praying to appoint the petitioner as the gaurdian of his brother Mr. P. Sundararaman and to operate the bank account bearing A/c. No.227901000013062 in the Indian Overseas Bank, Mylapore Branch, 177, Luz Church Road, Chennai and to withdraw pension from the said bank account (prayer amended as per the order dated 03.04.2025 in A. No.1751 of 2025).

For Petitioner : Mr. V. Avinesh

For Respondents : Mr. R. Priyanka

ORDER

This petition has been filed under Clause XVIII of Letters Patent Act

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1865 praying to appoint the petitioner as the gaurdian of his brother Mr. P.

Sundararaman and to operate the bank account bearing A/c.

No.227901000013062 in the Indian Overseas Bank, Mylapore Branch, 177, Luz Church Road, Chennai and to withdraw pension from the said bank account.

2. According to the petitioner, his younger brother namely Mr. P. Sundararaman is an Intellectually disabled person. The petitioner's parents had 2 sons and 3 daughters viz., K.P. Swaminathan, P.Sundararaman, Vijayalakshmi, Shanthi and Kalpana. The parents of the petitioner died on 25.04.2020 and 24.11.2007 respectively. The petitioner's younger brother namely P. Sundararaman, who is suffering from Intellectual Disability, is under the care and custody of the petitioner herein. Since the petitioner's father was a Central Government Employee, after his retirement, the petitioner was drawing pension of Rs.12,000/- p.m. And he is only taking care of his younger brother P. Sundararaman. The India Metrological Department, where the petitioner's father was working, has issued a letter of Grant of Family Pension dated 17.04.2023 to the petitioner's brother and the pension amount will be credited to the petitioner's younger brother Mr. P.



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Sundararaman's bank account. Hence the petitioner has opened a bank account in Indian Overseas Bank in the name of Mr. P. Sundararaman. Since the petitioner's younger brother Mr. P. Sundararaman, is an intellectually disabled person, for his welfare and benefit, Guardianship certificate is necessary in favour of the petitioner to operate the bank account in the name of his younger brother Mr. P. Sundararaman and to withdraw the pension amount from his bank account. He has absolutely no adverse interest against his younger brother. Therefore, the petitioner has filed this petition.

3. 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.7 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.7. According to the petitioner, he is the elder brother of Mr. P. Sundararaman and the said P. Sundararaman is suffering from Intellectual disability and the same was certified by the Regional Medical Board, Government Stanley Hospital, Chennai vide Certificate dated 08.08.2022 and the same has been



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marked as Ex.P.1. The younger brother of the petitioner is now under the care and custody of his elder brother, the petitioner herein. The parents of the petitioner are no more and the petitioner being the elder brother, is taking care of his intellectually disabled brother. Therefore, the petitioner has filed this petition to operate the bank account maintained in the name of his younger brother and to withdraw the pension amount to spend the same for the future maintenance of his younger brother. There is no any adverse interest for the petitioner against his disabled brother and withdrawal of pension amount is for the welfare and interest of his disabled younger brother. The respondents, who are the sisters of the petitioner and the disabled brother namely Mr. P. Sundararaman, have also not raised any objection to grant permission for the petitioner to operate the bank account and to withdraw the pension amount by the petitioner. Therefore, this petition has to be allowed.

6. In view of the above discussions, this **original petition is allowed and the petitioner is appointed as guardian for the mentally disabled person Mr. P. Sundararaman for his pension and property and is permitted to operate the bank account bearing A/c. No.227901000013062 in the Indian Overseas Bank, Mylapore Branch, 177, Luz Church Road,**



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Chennai and to withdraw pension from the said bank account.

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Index : Yes/No
Speaking Order : Yes/No
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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. K.P. Swaminathan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	08.08.2022	Photocopy of the certificate of Disability issued by Regional Medical Board, Government Stanley Hospital.
Ex.P.2	21.05.2020	Photocopy of Death Certificate of S. Panchapakesan.
Ex.P.3	10.12.2007	Photocopy of Death Certificate of Mrs. P. Janaki.
Ex.P.4.	-	Photocopy of the Aadhar Card of the petitioner.
Ex.P.5	-	Photocopy of Aadhar Card of Mr. P. Sundararaman.
Ex.P.6	-	Photocopy of the passbook of Mr. P. Sundararaman, bearing A/c. No.227901000013062 issued by the Indian Overseas Bank.
Ex.P.7	13.04.2022	Downloaded copy of Legal Heirship Certificate of S. Panchapakesan.

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