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O.P.No.43 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

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

O.P.No.43 of 2025

V.Suganya Devi

...Petitioner

PRAYER: Original Petition filed under Clause XVII of Letters Patent Act, prays that the Hon'ble Court may be pleased to

- a) To appoint the petitioner as the Guardian of the person and manager of the property of her Brother V.Maniganda Prabhu (Mentally Reterded person)
- b) To permit the petitioner to receive the pension amount and expend the same for the welfare of her V.Maniganda Prabhu (Mentally Reterded Person)
- c) To grant such further or other relief and pass such other or suitable orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.S.Rajesh Kumar
For M/s.Nathan and Associates

**ORDER**

This petition is presented by the sister of Mr.V.Maniganda Prabhu, who is said to be a mentally retarded person. By this petition, the petitioner seeks to appoint her as the guardian of the person and the properties of the ward Mr.V.Maniganda Prabhu.

2. The petitioner states that Late Mr.S.Vijayan was married to one Mrs.V.Sheela Devi and had begotten both the petitioner and the ward as their children. The petitioner submits that her father Mr.S.Vijayan died on 12.07.2024 leaving behind herself and the ward as his only legal heirs, as her mother Mrs.V.Sheela Devi had already predeceased her father on 09.01.2018. The father of the petitioner and the ward was employed as the Grade-I Technician in the Chennai Port Trust, for which he was receiving pension after the retirement until his death. The petitioner submits that after the death of her father, the ward is entitled to claim the pension as his son. The petitioner humbly submits that after the death of her father she has been the one who is taking care of the ward and all his medical expenses. The petitioner further submits that since the ward has been mentally retarded, he cannot neither take care of himself nor his assets. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person



and property of the ward Mr.Maniganda Prabhu and receive the pension amount on behalf of himself.

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3. The petitioner has examined herself as PW1, she has marked 8 documents as Ex.P1 to Ex.P8, which are listed under the foot of the order. She has produced a photocopy of the National Identity card of the ward Mr.Maniganda Prabhu issued by the District Disabled Rehabilitation Officer which had been marked as Ex.P5. The death certificates of the father Mr.s.Vijayan and mother Mrs.V.Sheela Devi of the ward has been marked Ex.P1 and Ex.P2 respectively. The legal heirship certificate of S.Vijayan has been marked as Ex.P2. A perusal of which clearly establishes that the petitioner is the sister of the Ward Mr.Maniganda Prabhu. The perusal of Ex.P5 clearly substantiates that the ward is mentally retarded and hence he is not fit to take care of neither himself nor his assets .

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;



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(i) The petitioner is appointed as the guardian of the person and manager of the (movable) property of the ward Mr.Maniganda Prabhu, described in the schedule of the petition.

(ii) The petitioner is permitted to receive the pension amount and expend the same for the welfare of the ward Mr.Maniganda Prabhu.

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

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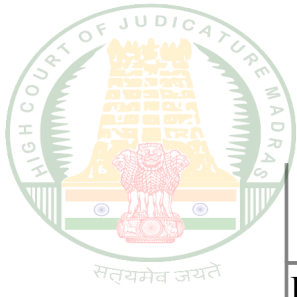
Index :Yes/No

Petitioner's witness:

P.W.1 – Ms.V.Suganya Devi

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Online copy of the Death Certificate of Sheela Devi.V dated 23.04.2018.
Ex.P2	Online copy of the Death Certificate of S.Vijayan dated 29.07.2024.
Ex.P3	Online copy of the Legal Heir Certificate of S.Vijayan dated 20.09.2024.
Ex.P4	Photocopy of the Pension Payment Order No.14166 of S.Vijayan. (Original received, compared and returned)
Ex.P5	Photocopy of the National Identity card of Maniganda Prabhu issued by District Disabled Rehabilitation Officer. (Original received, compared and returned)
Ex.P6	Photocopy of the Bill for treatment of Maniganda Prabhu



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	dated 31.07.2024.(Original received, compared and returned)
Ex.P7	Photocopy of the Aadhaar card of Maniganda Prabhu.(Original received, compared and returned)
Ex.P8	Photocopy of the Aadhaar card of the petitioner.(Original received, compared and returned)

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K.KUMARESH BABU, J.

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