



WEB COPY

O.P.No.763 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.763 of 2024

Mrs.R.Subashri

...Petitioner

VS.

1.Mrs.Sudha Kannan

2.Mrs.Sumathi

...Respondents

PRAYER: Original Petition filed under Clause XVII of Letters Patent Act, 1865 (Mental Retardation), praying,

i. that the petitioner herein may be appointed as the Guardian of the person and manager of the property of R.Prakash born on 19.06.1973 Mentally Retarded and having a medical condition of SEVERE MENTAL RETARDATION;

ii. To permit the petitioner to receive the family pension on behalf of R.Prakash having a medical condition of SEVERE MENTAL RETARDATION and expend the same for his welfare.

iii. For such other relief as this Hon'ble Court may deem fit and proper and thus render justice.

For Petitioner : M/s.K.Sumathi

For Respondents : M/s.S.Suganya

**ORDER**

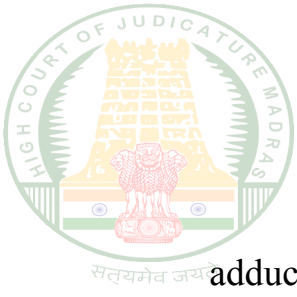
This petition is presented by the sister of Mr.R.Prakash born on 19.06.1973, who is said to be differently abled person. By this petition, the petitioner seeks to appoint her as the guardian of the person and the properties of Mr.R.Prakash.

2. The petitioner states that Late.Mr.B.T.Raman was married to Late.Mrs.R.Saroja and gave birth to four children. The petitioner and respondents along with Mr.R.Prakash the differently abled person are the children of the said couple. Hence the Petitioner and the respondents are the sisters of the ward. The petitioner states that she has been the primary care taker of both her parents and the ward. The petitioner states that her father late.Mr.B.T.Raman was employed as Executive Engineer (Electrical) at Tamil Nadu Electricity Board. He retired on 31.10.1995 and he was holding P.P.O. No.16501 where he was receiving his pensions. Late.Mr.B.T.Raman died on 01.09.2024 and his wife late.Mrs.R.Saroja predeceased him on 24.02.2017, leaving behind the petitioner, 1st and 2nd respondents along with the ward as the only surviving legal heirs. After the death of late.Mr.B.T.Raman his only dependant his son Mr.R.Prakash is to receive his pension. As on date the above said pension account stands closed. Thereby it



is necessary to open a new account for the above said Mr.R.Prakash, where he can get the family pension credited to his account as being the dependant of Late.Mr.B.T.Raman. Therefore, it is necessary to appoint the petitioner herein as guardian of the person and properties of Mr.R.Prakash.

3. The petitioner has examined herself as PW1. She has produced documents Ex.P1 to Ex.P14 as evidence. She has produced a photocopy of a Medical certificate dated 27.12.1994 issued by Dr.M.Thirunavukaras, Asst. Professor of Psychiatrist and Civil Assistant Surgeon, Government General Hospital, Madras, the above certificate which highlights the medical condition of Mr.R.Prakash as “SEVERE MENTAL RETARDATION” marked as ExP2. The photocopy of the PAN Card and Aadhaar Card of Mr.R.Prakash as Ex.P2 and Ex.P4. The copy of Legal Heirship certificate of Late.Mr.B.T.Raman as Ex.P5. The aadhaar card of the petitioner, the first and second respondent as Ex.P10, Ex.P11 and Ex.P12 respectively. The respondents Mrs.Sudha and Mrs.Sumathi have recorded their evidence as RW1 and RW2 respectively. They have also marked their consent affidavits in favour of the petitioner as Ex.R1 and Ex.R2.



WEB COPY

4. On Perusal of Ex.P5 , Ex.P10, Ex.P11 and Ex.P12 it can be adduced that the Petitioner along with both the respondents are the sisters of the above said mentally ill person Mr.R.Prakash.

5. 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.

6. Accordingly, the original petition is allowed on the following terms;

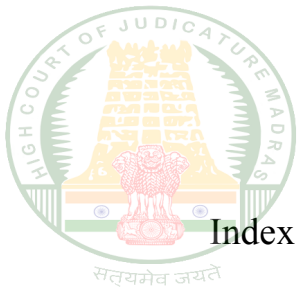
(i)The petitioner is appointed as the guardian of the person and manager of the properties described in the schedule as regards to Mr.R.Prakash.

(ii)the petitioner is permitted to receive the family pension on behalf of R.Prakash and expend the same for his medical expenses and welfare.

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

19.03.2025

kak



Index :Yes/No

WEB COPY

Petitioner's witness:

P.W.1 – Mrs.R.Subashri

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the medical certificate of Mr.R.Prakash issued by Dr.M.Thirunavukarasu, Psychiatrist on 27.12.1994 (Compared with the original)
Ex.P2	Photocopy of the Pan Card of Mr.R.Prakash (Compared with the original)
Ex.P3	Computer generated death certificate of Mrs.R.Saroja.
Ex.P4	Computer generated death certificate of Mr.B.T.Raman.
Ex.P5	Computer generated legal heir ship certificate of Mr.B.T.Raman.
Ex.P6	Photocopy of the front page of pension payment order book of Mr.B.T.Raman (Compared with the original)
Ex.P7	Original Bank statement of Mr.B.T.Raman in respect of his Bank account with Indian Overseas Bank.
Ex.P8	Photocopy of the passbook of Indian Bank in respect of joint account held by me and Mr.Mohanraj (Compared with the original)
Ex.P9	Photocopy of the Aadhaar Card of Mr.R.Prakash (compared with the original)
Ex.P10	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P11	Photocopy of the Aadhaar Card of the first respondent (Compared with the original)
Ex.P12	Photocopy of the Aadhaar Card of the second respondent (Compared with the original)
Ex.P13	Declaration of willingness to act as guardian.



O.P.No.763 of

Ex.P14 Certificate under Section 65 B of the Indian Evidence Act, 1872.

WEB COPY

Respondent's witness:

R.W.1 – Mrs.Sudha

R.W.2 – Mrs.Sumathi

Documents exhibited by the Respondents:

Exhibits	Documents
Ex.R1	Consent affidavit.
Ex.R2	Consent affidavit.

19.03.2025

kak



WEB COPY

O.P.No.763 of



K.KUMARESH BABU, J.

kak

O.P.No.763 of 2024

19.03.2025