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O.P.No.74 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.04.2025**

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

O.P.No.74 of 2025

Mrs.K.Lakshmi

...Petitioner

PRAYER: Original Petition filed under Clause 17 of the Letter Patent of 1865, prays that this Hon'ble Court may be pleased to:

1. Appoint the petitioner as the legal guardian of Ms.Bhagavathgeetha D/o.Late Mr.A.Kalyanasundaram under the provisions of Clause 17 of Letter Patent Act, 1865, in view of the person with mental illness's inability to manage their personal and property affairs due to their mental condition.

2. To confer upon the petitioner the rights, duties and responsibilities of guardianship to act in the best interests of Ms.Bhagavathgeetha, including but not limited to:

Making decisions regarding the Ms.Bhagavathgeetha's personal care, medical treatment, and healthcare needs.

Managing the Ms.Bhagavathgeetha's movable and immovable properties, financial affairs, and legal matters.

Taking necessary steps to secure government benefits, pensions, or other entitlements for the welfare of the person with mental illness.

Representing Ms.Bhagavathgeetha in all legal proceedings, transactions, and official matters as required.



3. To Direct that the guardianship granted to the petitioner shall include all necessary powers to act for Ms.Bhagavathgeetha's welfare in any future matters or unforeseen circumstances that may arise, ensuring the person with mental illness's best interests are safeguarded.

4. To pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : M/s.M.Sneha

ORDER

This petition is presented by the younger sister of Ms.Bhagavathgeetha who is said to be an Intellectually disabled person. By this petition, the petitioner seeks to appoint her as the guardian of the person and the properties of Ms.Bhagavathgeetha.

2. The petitioner states that Late.Mrs.N.Sulochana was married to one Late.Mr.A.Kalyanasundaram and gave birth to four daughters, including the petitioner and the ward Ms.Bhagavathgeetha. The petitioner states that her and the ward's father predeceased their mother and their mother Late.Mrs.N.Sulochana who was a government pensioner died on 10.03.2022, thereby making the ward Ms.Bhagavathgeetha entitled to get those pension benefit as she is an unmarried daughter and a beneficiary of Late.Mrs.N.Sulochana. The petitioner submits that after both the parents of



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the ward had deceased and she has been taking care of the ward as her younger sister. The petitioner further submits that Ms.Bhagavathgeetha has been suffering from the intellectual disability from her birth, which is non-progressive but it is not likely to improve the ward's condition, thereby rendering the Ward Ms.Bhagavathgeetha incapable of taking care of her affairs. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person and properties of Ms.Bhagavathgeetha.

3. The petitioner has examined herself as PW1. She has produced a photocopy of the certificate of disability issued by Dr.S.Neelakandan, Senior Asst.Professor, Institute of Mental Health, Madras Medical College as ExP3. The computer generated copy of the unmarried certificate of the ward has been marked as Ex.P4. The computer generated death certificate of Late.Mrs.Sulochana has been marked as Ex.P5. The legal heirship certificate of Late. Mrs.Sulochana has been marked as Ex.P2. From Ex.P2 it can be deduced that the petitioner is the sister of the ward Ms.Bhagavathgeetha. The perusal of Ex.P3 clearly shows that the ward Ms.Bhagavathgeetha has been diagnosed and is suffering from 50% intellectual disability. The joint perusal of the deposition made by the petitioner and Ex.P3 proves the intellectual



disability of the ward.

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

(ii) The petitioner is allowed to make decisions regarding the ward Ms.Bhagavathgeetha's personal care, medical treatment and healthcare needs for the welfare of the ward.

(iii) The petitioner is allowed to represent the ward in all legal proceedings, transactions and other official matters.

(iv) The petitioner is permitted to take necessary steps to secure the government benefits, pensions or any other entitlements for the welfare of the ward Ms.Bhagavathgeetha.

(v) The guardian is permitted to utilize the pensions granted to the ward Ms.Bhagavathgeetha for the medical purposes and welfare of the Ward and is



directed to deposit the remaining amount in any Nationalised Bank under the ward's name, the guardian is permitted to operate the same and utilise it for the welfare of the Ward.

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

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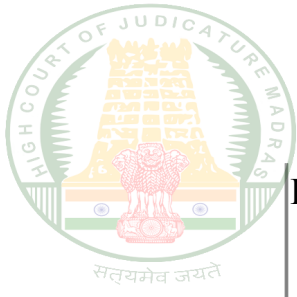
Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.K.Lakshmi

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the communication of the respondent to the petitioner dated 06.09.2024. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Computer generated copy of the legal heir certificate of Mrs.N.Sulochana dated 20.06.2022.
Ex.P3	Photocopy of the certificate of disability of Ms.K.Bhagavathgeetha dated 11.07.2022. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Computer generated copy of the unmarried certificate of Ms.Bhagavathgeetha dated 18.05.2022.
Ex.P5	Computer generated copy of the death certificate of Mrs.Sulochana Kalyanasundaram died on 10.03.2022.



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Ex.P6	Photocopy of the Aadhar card of Ms.Bhagavathgeetha. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P7	Photocopy of my Aadhar card. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P8	One issue of paper publication in English Daily “Trinity Mirror” dated 12.03.2025.
Ex.P9	One issue of paper publication in Tamil Daily “Makkal Kural” dated 09.03.2025.

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