



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 473 of 2025

1. Sumathi
W/o Rajasekar
No.4, Briklin Road, Vepery
Chennai-600007
2. Kalpana
W/o. Thangaraj
No.4, Salaima Nagar,
Vepery, Chennai-600007

..Petitioners

PRAYER:

This Original Petition is filed under Clause 17 of the Letters Patent, 1865, praying to a) Declare and appoint the 2nd Petitioner Kalpana, wife of Thangaraj as the fit and proper person to be guardian of the person and manager of the properties of the mentally retarded person Rajini and permit 2nd petitioner to receive family person on behalf of Rajini from the Greater Chennai Corporation as mentioned in schedule.

For Petitioner(s):

Mr.D.Magesh



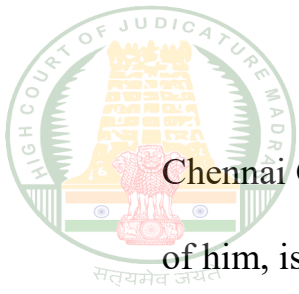
ORDER

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This Original Petition has been filed under Clause 17 of the Letters Patent seeking to appoint the second petitioner, Kalpana, wife of Thangaraj, as the guardian of the person and manager of the properties/benefits of Rajini.D, a person with intellectual disability, and to permit her to receive the family pension and other benefits payable to Rajini.D from the Greater Chennai Corporation and other authorities.

2. The case of the petitioners is that Rajini.D, born on 09.07.1981, is the son of late B. Duraisamy and late Gandhiyammal. The first petitioner, Sumathi, and the second petitioner, Kalpana, are his sisters. It is stated that Rajini.D has been suffering from moderate intellectual disability since birth and is not in a position to manage himself, his person or his affairs.

3. The petitioners state that their father, B. Duraisamy, was employed as MT in Zone-V of the Greater Chennai Corporation and died on 01.06.1993. Thereafter, their mother, Gandhiyammal, was receiving family pension and was taking care of Rajini.D. The said Gandhiyammal died on 01.05.2020, leaving behind the petitioners and Rajini.D as her legal heirs. After the demise of their mother, the second petitioner has been taking care of Rajini.D. It is further stated that Rajini.D is entitled to receive family pension from the Greater



Chennai Corporation and that the second petitioner, who is presently taking care of him, is willing to act as his guardian for his welfare and benefit.

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4. There is no respondent in this Original Petition. As directed, paper publication has been effected in Tamil and English newspapers. No person has come forward to oppose the relief sought for in the petition. The first petitioner has also filed a consent affidavit expressing no objection for the second petitioner Kalpana being appointed as guardian of Rajini.D. The second petitioner has filed a declaration of willingness to act as guardian.

5. The second petitioner Kalpana was examined as P.W.1 before the learned Master and marked the documents Ex.P1 to Ex.P11. Birth Certificate of Rajini.D as Ex.P1, Aadhaar Card of Rajini.D as Ex.P2, Photocopy of the passbook dated 03.06.2024 issued by the Office of the District Disabled and Rehabilitation, Government of Tamil Nadu, in respect of Rajini.D, compared with the original as Ex.P3 . Certificate of Disability issued by the Institute of Mental Health, Kilpauk, Chennai, in respect of Rajini.D, bearing Certificate No.96.12, showing intellectual disability / moderate intellectual disability assessed at 75% as Ex.P10

6. Heard the learned for the petitioners and perused the records.



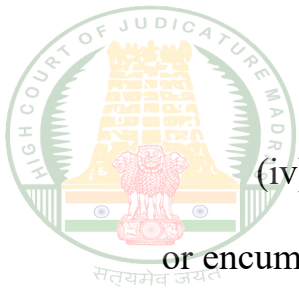
7. On a consideration of the pleadings and the evidence, particularly Ex.P3 and Ex.P10, this Court is satisfied that Rajini.D is a person with intellectual disability and requires assistance for the management of his person and affairs. The death certificates and legal heirship certificates of the parents have also been marked to show the relationship between the parties and the death of the parents. The first petitioner has given consent for the appointment of the second petitioner as guardian, and the second petitioner has expressed her willingness to act as guardian. This Court is also satisfied that the second petitioner Kalpana, being his sister and the person presently taking care of him, is a fit and proper person to be appointed as his guardian.

8. Accordingly, this Original Petition is allowed as follows:

(i) The second petitioner, Kalpana, wife of Thangaraj, is appointed as the guardian of the person of Rajini.D and as manager of his properties/benefits under Clause XVII of the Letters Patent, 1865.

(ii) The second petitioner is permitted to receive the family pension and other lawful benefits payable to Rajini.D from the Greater Chennai Corporation and other authorities, if any, on behalf of Rajini.D.

(iii) The second petitioner shall utilise the amounts received only for the welfare, maintenance, medical care and benefit of Rajini.D.



(iv) The petitioners shall not sell, mortgage, charge or otherwise alienate or encumber any property of the ward, save with the prior leave of this Court, to be sought by a separate application demonstrating that the alienation is necessary and beneficial to the ward and that the proceeds will be secured for him.

(v) The petitioners shall file before the Registry, within three months, a full and true inventory of the person and properties of Rajini.D., and shall thereafter render a true account of his management once in every year.

(vi) This appointment shall enure during the disability of Rajini.D. and shall remain subject to the supervision of this Court. It shall cease upon his regaining capacity, or upon his death, or upon further orders of this Court; and any person interested shall be at liberty to apply for variation or revocation.

(vii) The Registry shall issue a certificate of guardianship to the second petitioner in accordance with this order.

9. There shall be no order as to costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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**Petitioners' witness:**

P.W.1 – Mrs.Kalpana

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Birth Certificate of Mr.D.Rajini
Ex.P2	Photocopy of the Aadhaar Card of Mr.Rajini.D.
Ex.P3	Photocopy of the passbook dated 03.06.2024 issued by the Office of the District Disabled and Rehabilitation, Government of Tamil Nadu
Ex.P4	Photocopy of the Aadhaar Card of Ms.Sumathi
Ex.P5	Photocopy of the Aadhaar Card of Ms.Kalpana
Ex.P6	Photocopy of the death certificate of Mr.B.Duraisamy
Ex.P7	Photocopy of the legal heirship certificate of Mr.B.Duraisamy
Ex.P8	Computer generated death certificate of Ms.Gandhiyammal
Ex.P9	Computer generated legal heirship certificate of Ms.Gandhiyammal
Ex.P10	Certificate of disability of Mr.Rajini bearing certificate No.96.12
Ex.P11	Certificate under Section 63(4)© of BSA

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DR.A.D.MARIA CLETE, J.

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