

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. 114 of 2025

S. Srinivasan
S/o. Late S.Swaminathan,
7 J, 1st Street, Shanthi Nagar 6 Street,
Aadambakkam, Chennai 600 080.

..Petitioner

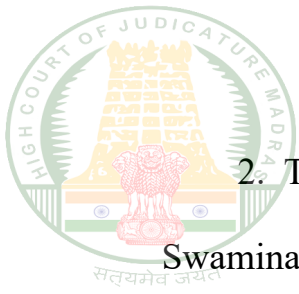
PRAYER: This Original Petition is filed under Clause 17 of Letters of Patent Act, praying a) to appoint the petitioner as guardian of the person and manager of the properties of the mentally ill person namely S.Subramanian b) To permit the petitioner to receive the family pension amount on behalf of the mentally ill person c) To permit the petitioner to access the bank account of mentally ill person d) And to expand the same for the welfare of the mentally ill person.

For Petitioner:

Mr.D.Daniel

ORDER

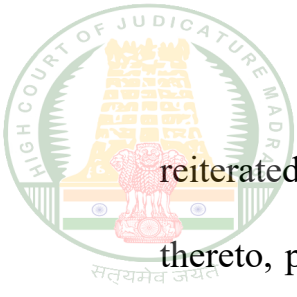
This petition has been filed by the petitioner, the elder brother of one Mr.S. Subramanian, seeking to be appointed as the guardian of the person and the manager of the properties of his brother, who is a person with intellectual disability, and for connected reliefs that would enable the petitioner to receive his brother's family pension and to operate his bank account for his welfare.



2. The case of the petitioner is that the petitioner's father, the late S. Swaminathan, was a retired Court Officer, who died on 19.01.2017. His mother, the late Sulochana, was a family pensioner, who died on 24.05.2024. The petitioner's only brother, S. Subramanian, aged 56 years and born on 29.07.1968, is unmarried and is a person with intellectual disability who has always been dependent on the family. During her lifetime, the mother of the petitioner looked after Subramanian as his natural guardian. After her death on 24.05.2024, the petitioner has been taking care of his brother, who lives with him. As the son of a deceased Government servant who is unable to maintain himself, the brother has become eligible to receive the family pension, but that pension and the connected bank account cannot be received or operated without the petitioner being clothed with the authority of a duly appointed guardian. It is in these circumstances that the petitioner has approached this Court.

3. There is no respondent to the petition. The petitioner and his brother are the only children of their parents, both of whom are no more, and the petitioner is therefore the only other person interested. There being no rival claimant, no person was required to be arrayed as a respondent.

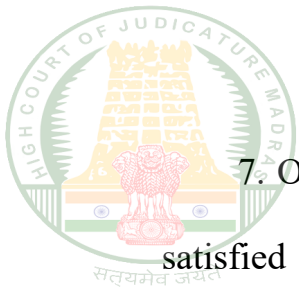
4. By order dated 13.03.2025 this Court directed the petitioner to effect paper publication in one English and one Tamil daily, and that direction was



reiterated, with the date of hearing notified, by order dated 13.08.2025. Pursuant thereto, paper publication was effected in the Tamil daily “Makkal Kural” and in the English daily “Trinity Mirror”, both dated 27.08.2025, calling upon any person having an objection to the grant to appear and raise it. No person has come forward to oppose the petition.

5. The petitioner examined himself as P.W.1 before the learned Master on 21.04.2026 and filed his proof affidavit and marked Ex.P1, the death certificate of the father S. Swaminathan; Ex.P2, the death certificate of the mother Sulochana; Ex.P3, the legal heirship certificate of S. Swaminathan; Ex.P4 to Ex.P6, the Aadhaar cards of the petitioner, of S. Subramanian and of the mother respectively; Ex.P7, the disability certificate of S. Subramanian; Ex.P8, the pension payment order of the father; Ex.P9 (series), the two paper publications referred to above; Ex.P10, the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023; and Ex.P11, the petitioner's declaration of his willingness to act as guardian.

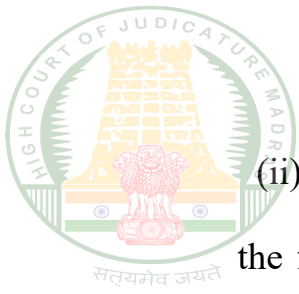
6. Heard the learned counsel for the petitioner and perused the records.



7. On a careful consideration of the pleadings and the evidence, this court satisfied that S. Subramanian is a person with intellectual disability, as borne out by the disability certificate (Ex.P7), and is unable to manage himself or his affairs and is dependent on others for his care, both his parents are dead, so that there is at present no person lawfully looking after his person or his affairs. The petitioner is his only brother and natural protector, that the brother resides with the petitioner, and that the petitioner has come forward, by a sworn declaration of willingness (Ex.P11), to take responsibility for him. The petitioner appears to be a fit and proper person, and that there is no rival claim and no objection despite due public notice (Ex.P9). The appointment is necessary and expedient, since without it the family pension to which the brother is entitled cannot be drawn, and his bank account cannot be operated, for his own maintenance and welfare. In these circumstances, the petition deserves to be allowed.

8. In the result, the Original Petition is ordered as follows :

- (i) The petitioner, S. Srinivasan, is appointed as the guardian of the person of his brother S. Subramanian (born 29.07.1968), a person with intellectual disability, and as the manager of his properties, in exercise of the jurisdiction of this Court under Clause 17 of the Letters Patent, 1865.



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(ii) The petitioner is permitted to receive, on behalf of S. Subramanian, the family pension payable in respect of the late S. Swaminathan, and to operate the bank account of S. Subramanian, with the Central Bank of India, in which the said pension is credited. The pension disbursing authority and the said Bank shall, on production of a copy of this order, permit the petitioner to so receive and operate the same.

(iii) The monies so received shall be utilised exclusively for the maintenance and welfare of S. Subramanian, and shall not be diverted to any other purpose.

(iv) The petitioner shall not sell, mortgage, charge or otherwise alienate or encumber any property or asset of S. Subramanian without the prior leave of this Court.

(v) The petitioner shall file before the Registry of this Court, within three months, a full and true inventory of the movable and immovable properties and the income of S. Subramanian, and shall thereafter render to the Registry a true account of his management once in every year.

(vi) This appointment shall enure during the period of the disability of S. Subramanian and shall stand 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 petitioner in accordance with this order.

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(viii) There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

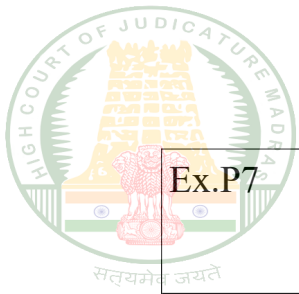
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Petitioner's witness:

P.W.1 – Mr.S.Srinivasan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of S.Swaminathan
Ex.P2	Computer generated death certificate of Sulochana
Ex.P3	Computer generated legal heirship certificate of S.Swaminathan
Ex.P4	Photocopy of Mr.S.Srinivasan 's Aadhaar card
Ex.P5	Photocopy of the Aadhaar Card of Mr.S.Subramanian
Ex.P6	Photocopy of the Aadhaar Card of S.Sulochana



Ex.P7	Photocopy of the certificate of disability of Mr.S.Subramanian
Ex.P8	Photocopy of the pension payment order of S.Swaminathan
Ex.P9(Series-2 Nos)	Copies of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 27.08.2025 and in one issue of English daily “Trinity Mirror” dated 27.08.2025.
Ex.P10	Certificate under Section 63(4) (C) of BSA
Ex.P11	Declaration of Mr.S.Srinivasan’s willingness.

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DR.A.D.MARIA CLETE, J.

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