



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

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

OP No. 665 of 2025

1. Sumathi Dinesh Shetty and another
D/o. Rama Shetty,
No.B/101 Dhavalgiri Apartment,
P.P.Marg, Near Smashan Bhumi,
Virar (west), Virar East, Thane,
Maharashtra 401305
2. Jyothi Naveen Rai,
D/o. Rama Shetty,
A/203, Vishnu Smruti Apartment,
Ram Mandir Road,
Opp Viva Collage Old virar (west),
Thane, Maharashtra 401 305.
Temporarily residing at
25B/44, 3rd street, K.C.Garden,
Peravallore, Jawahar Nagar,
Chennai 600 082.

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

1) Appoint the 2nd petitioner Jyothi Naveen Raj, D/o. Rama Shetty as the Guardian of the Person and the manager of the properties of the Mentally Retarded Person Mr.D.Jithesh and 2) Permit the 2nd Petitioner for operation of and sale of his assets and liabilities of schedule mentioned property and 3) To permit the 2nd petitioner to utilise and expend the sale proceeds for the welfare of the mentally retarded person Mr.D.Jithesh.

For Petitioner(s):

V.M.Venkataramana
S.Viswanathan
P.Gokulanath



M.Sarukesan
K.Shree Varshaa
Sakthi. S

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For Respondent(s):

ORDER

This petition has been filed by the two petitioners, the paternal aunts of one Mr. D. Jithesh, praying that the second petitioner be appointed as the guardian of the person and the manager of the properties of Mr. D. Jithesh, who is a mentally retarded person.

2. The case of the petitioners is that Mr. D. Jithesh, born on 19.06.1998 and now aged about 27 years, is the only son of the late Mr. Diwakar Raman. He suffers from moderate mental retardation and is incapable of managing himself, his affairs or his property. His mother, Mrs. Jayanthi, died on 19.01.2022, and his father, Mr. Diwakar Raman, died on 28.03.2023, so that both his parents are no more and he is the sole surviving legal heir of his father. He is unmarried. The petitioners are the sisters of the late Diwakar Raman and thus the paternal aunts of the ward, and Mr. D. Jithesh is presently in the custody and care of the second petitioner, Mrs. Jyothi Naveen Rai, with whom he resides within the jurisdiction of this Court.



3. The second petitioner has filed a declaration of her willingness to act as guardian. Since there was no respondent, pursuant to the directions of this Court, general paper publication was effected in the Tamil daily “Dina Kural” dated 15.01.2026 and the English daily “Southern Mail” dated 23.01.2026, calling upon any person interested to raise objection. No person came forward to object.

4. The first petitioner was examined as P.W.1 and the second petitioner as P.W.2 before the learned Master on 21.04.2026, and they filed their proof affidavits and marked Exhibits P1 to P20, comprising the Aadhaar cards of the ward and the first petitioner, the disability certificate and the medical certificate of the ward, the death and legal heirship certificates of the family members, the title deeds, patta, field measurement sketch and encumbrance certificate in respect of the property, the rental agreement, the guideline value extract, the two paper publications, the declaration of willingness and the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

5. Heard the learned counsel for the petitioners and perused the records.

6. On a consideration of the pleadings and the evidence, this Court



satisfied that Mr. D. Jithesh is a mentally retarded person, incapable of managing himself, his affairs or his property, as borne out by the disability and medical certificates (Exs.P2 and P3); that both his parents are dead and he has no one else to look after him; that the second petitioner, his paternal aunt, has had his custody and care and is willing to act as his guardian; that public notice was given and drew no objection; and that the second petitioner is a fit and proper person. The appointment is necessary and is allowed.

7. In the result, the Original Petition is ordered in the following terms:

- (i) The second petitioner, Mrs. Jyothi Naveen Rai, is appointed as the guardian of the person of Mr. D. Jithesh (born 19.06.1998), a mentally retarded person, and as the manager of his properties, under Clause XVII of the Letters Patent, 1865.
- (ii) The second petitioner is permitted to manage the properties and affairs of Mr. D. Jithesh, including the collection of the rents and income of his properties, and shall apply the same exclusively for his maintenance and welfare.
- (iii) The second petitioner shall not sell, mortgage, charge or otherwise alienate or encumber any immovable 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.

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(iv) The second petitioner shall file before the Registry, within three months, a full and true inventory of the person and properties of Mr. D. Jithesh, and shall thereafter render a true account of her management once in every year.

(v) This appointment shall enure during the disability of Mr. D. Jithesh 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.

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

8. There shall be no order as to costs.

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Index: Yes/No
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