



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. 71 of 2026

S.Kalaivani
No.133, Evara Periyar Street,
Grant Lyon,
Chennai 600 052.

..Petitioner

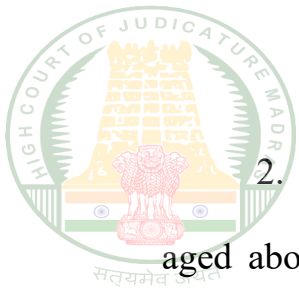
PRAYER:

This Original Petition is filed under Clause XVII of Letters Patent, 1865
a) to appoint the petitioner as guardian of mentally disabled person and manager of the said property. b) that said guardian may be allowed to operate the Savings account vide SB A/C No.32046676603 before the State bank of India, Ayanavaram Branch and expend the amount for the well being of the mentally disabled person.

For Petitioner(s): M/s.R.Nirmala

ORDER

This Original Petition has been filed under Clause XVII of the Letters Patent, 1865, by the petitioner, S. Kalaivani, seeking appointment as guardian of the person of her brother, S. Devendran, and as manager of his property, limited to the operation of the savings bank account maintained with State Bank of India, Ayanavaram Branch, and for using the amounts therein for his welfare.

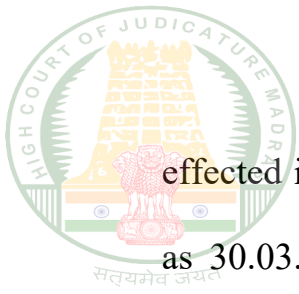


2. The case of the petitioner is that S. Devendran is her brother and is aged about 60 years. He is a person with disability, suffering from Cerebral Palsy with 70% disability. The petitioner states that her father, D. Sadasivam, was taking care of S. Devendran during his lifetime and was also operating the said savings bank account. D. Sadasivam died on 28.09.2025.

3. According to the petitioner, after the death of her father, she has been maintaining and taking care of S. Devendran, who is residing with her at No.133, Evara Periyar Street, Grant Lyon, Chennai – 600 052. It is further stated that the Government monetary benefits payable to S. Devendran are being credited into the said savings bank account and that, in the absence of an order of this Court, she is unable to operate the account for his maintenance and welfare.

4. The petitioner has also stated that her other brothers, namely, S. Raghupathy and S. Harikrishnan, are mentally challenged. However, the present petition is confined only to S. Devendran and to the operation of his savings bank account. The petitioner has filed a declaration of willingness to act as guardian for S. Devendran.

5. Since there is no respondent in this Original Petition, the learned Master, by order dated 24.02.2026, directed general paper publication to be

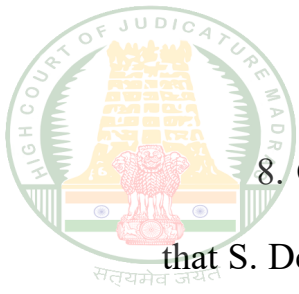


effected in one Tamil daily and one English daily, mentioning the hearing date as 30.03.2026. Pursuant thereto, publication was effected in the Tamil daily

“Makkal Kural” and in the English daily “Trinity Mirror” on 17.03.2026. On 30.03.2026, the learned Master recorded that general paper publication had been effected, affidavit of service had been filed, service was complete and no objection was raised by any person in open Court.

6. The petitioner was examined before the learned Master as P.W.1 and marked Exs.P1 to P9. Ex.P1 is the computer-generated death certificate of late D. Sadasivam. Ex.P2 is the computer-generated legal heirship certificate of late D. Sadasivam. Ex.P3 is the photocopy of the disability certificate of S. Devendran. Ex.P4 is the photocopy of the disability certificate of S. Harikrishnan. Ex.P5 is the photocopy of the bank account statement of S. Devendran . Ex.P6 is the photocopy of the Aadhaar card of the petitioner. Ex.P7 is the declaration of willingness. Ex.P8 series are the paper publications effected in the Tamil daily “Makkal Kural” and the English daily “Trinity Mirror” dated 17.03.2026. Ex.P9 is the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

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



8. On considering the oral and documentary evidence this court satisfied that S. Devendran is a person with disability and is unable to manage his affairs independently. Ex.P3, the disability certificate, shows that he is suffering from Cerebral Palsy with 70% disability, his father, who was earlier taking care of him and operating his savings bank account, has died. The petitioner, being his sister, is presently taking care of him. No objection has been received from any person despite general paper publication.

9. In view of the above , this Court is satisfied that the petitioner is a fit and proper person to be appointed as guardian of the person of S. Devendran and as manager of his property, limited to the operation of the said savings bank account.

10. The Original Petition is therefore ordered as follows:

(i) The petitioner, S. Kalaivani, is appointed as guardian of S. Devendran and manager of his property, limited to the savings bank account bearing S.B. Account No.32046676603 with State Bank of India, Ayanavaram Branch, and the amounts credited therein.

(ii) The petitioner is permitted to operate the said savings bank account on behalf of S. Devendran.

(iii) The petitioner shall use the amount withdrawn from the said account only for the maintenance, food, clothing, residence, medical expenses, personal



needs and welfare of S. Devendran.

(iv) The savings bank account shall continue to remain in the name of S. Devendran. This order shall not be treated as permitting transfer of the account into the name of the petitioner.

(v) The petitioner shall not close the account, pledge the account, create any encumbrance over the amount, obtain any loan against the account, or divert the amount for any purpose other than the welfare of S. Devendran, without leave of this Court.

(vi) The petitioner shall maintain a simple account of withdrawals and expenditure made from the said account for the benefit of S. Devendran.

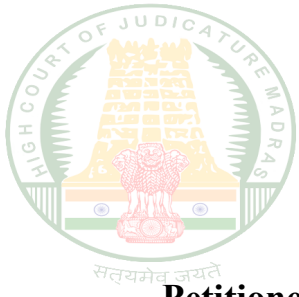
(vii) State Bank of India, Ayanavaram Branch, shall permit the petitioner to operate S.B. Account No.32046676603 on production of a copy of this order and after completing the necessary bank formalities.

(viii) This appointment is confined to S. Devendran and to the account mentioned above. It shall not be treated as appointment of guardian for any other person or as authority to deal with any other property, if any, without further orders of this Court.

11. 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 – Ms.S.Kalaivani

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of (Late).Sadasivam.D
Ex.P2	Computer generated legal heirship certificate of (Late).Sadasivam.D
Ex.P3	Photocopy of the disability certificate of Mr.Devendran.S
Ex.P4	Photocopy of the disability certificate of Mr.Harikrishnan.S
Ex.P5	Photocopy of the bank account statement of Mr.Devendran.S bearing account No.32046676603
Ex.P6	Photocopy of the Aadhaar Card of Mrs.Kalaivani.S
Ex.P7	Declaration of willingness
Ex.P8(Series 2 Nos)	Copies of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 17.03.2026 and in one issue of English daily “Trinity Mirror” dated 17.03.2026
Ex.P9	Certificate under Section 63 (4)(C) of BSA

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DR.A.D.MARIA CLETE, J.

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