

Misc. Case No. 193 of 2024
CNR No. WBHW01 003677 2024
Present: Subhash Kumar Kar,
District Judge, Howrah.
J.O. Code – WB00592

Order No. 17 dated 03.08.2026.

Today is fixed for order.

The instant application under Section 14 of the Rights of Persons with Disability Act, 2016 (Act 49 of 2016) is filed by the petitioners namely, Smt. Sukla Adhikari and Malay Bhattacharya, praying for appointment of the petitioners as guardian for caring the person and managing the properties of lunatic/mentally challenged person namely, Kausik Banerjee.

The case of the petitioners, in nutshell, is that Prasanta Kumar Banerjee and Dipali Banerjee were the parents of the mentally challenged person namely, Kausik Banerjee who is suffering from M.R. with down's syndrome from his childhood and he cannot move without any escort. The father of said Kaushik Banerjee died on 13.03.2008 and thereafter his mother died on 27.04.2024 leaving behind him as their only legal heir. The petitioner no. 1 is aunt (father's sister) and petitioner no. 2 is the sister's son of his mother. After the death of his parents said Kausik Banerjee is now under the care and custody of the petitioners and he has no independent capacity to perform his daily activities and he is also incapable of managing his properties both movable and immovable. It is prayed to appoint the present petitioners as joint guardians in respect of person and properties of the said physically and mentally challenged person namely, Kausik Banerjee.

The petitioner no. 1 deposed in this case as P.W. 1 by filing affidavit-in-chief and reiterated the same facts and in order to substantiate their case, they have produced several documents. It also appears that the petitioners and the minor are Hindu by faith and general notice has been published in the newspaper.

Now on perusal of the evidence, it appears that Ext. 5 and Ext. 6 are the death certificates of the parents of the mentally challenged person and it appears from the Ext. 4 that the ward is a mentally challenged person suffering from MR with Down's Syndrome and he cannot travel without assistance of escort and the extent of his disability is calculated at 75% and his I.Q. is 38 being a mentally retarded person and therefore, it is clear that he is prevented from

leading normal life due to the said illness and under such circumstances, I am of the view that the petitioners are entitled to the relief as prayed for.

It is thus,

Ordered

that Misc. Case No. 193 of 2024 is allowed on merit without any costs.

The petitioners namely, Smt. Sukla Adhikari and Malay Bhattacharya are hereby appointed as guardians in respect of the person and properties of the physically and mentally challenged person namely, Kausik Banerjee by furnishing indemnity bond of Rs. 32,00,000/-.

Office is directed to issue certificate accordingly.

The instant Misc. Case is thus disposed of.

Dictated & corrected by me.

D. J.

District Judge, Howrah