

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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CORAM

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

OP No. 14 of 2026

Syed Amman
S/o.Late Syed Asim,
Old No.15, New No.7,
Town Planning Scheme Road,
R.A.Puram, Chennai - 600 028.

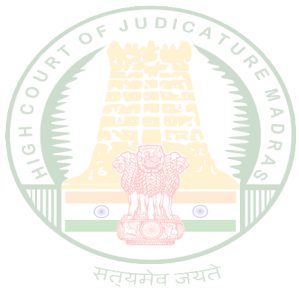
..Petitioner

PRAYER:

This Original Petition is filed under Clause XVII of the Letters Patent of 1865, praying a. To appoint Mr.Syed Amman, S/o.Late Mr.Syed Asim, the petitioner herein who is the younger brother of Syed Munzir, as the guardian person and manager of the properties of the intellectually disabled person Mr.Syed Munzir, and b. Permit the petitioner to manage (which includes to sell) his assets more fully set out in the schedule hereunder.

For Petitioner:

Mr.S.Rajendrakumar

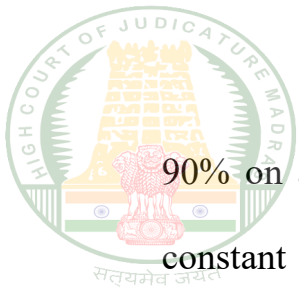


ORDER

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This Original Petition has been filed under Clause XVII of the Letters Patent, 1865, praying for appointment of the petitioner, Mr. Syed Amman, as the guardian of the person and manager of the properties of his elder brother, Mr. Syed Munzir, who is stated to be an intellectually disabled / mentally incapacitated person, and to permit the petitioner to manage the assets of the ward, including the immovable property described in the schedule.

2. The case of the petitioner is that, Mr. Syed Munzir, aged about 63 years, is a qualified Chartered Accountant who was professionally active until recent years. The petitioner is his younger brother, a post-graduate employed with Comerica Bank. From the year 2020 the ward began to develop early-onset Alzheimer's disease and dementia. He was examined at the Department of Clinical Psychology, Institute of Mental Health, Kilpauk, Chennai, on 02.06.2025. On examination he was found to have severe impairment in memory, orientation, decision-making, the activities of daily life, and speech and language, a social quotient of 23 (a social age of about three years and nine months), and a disability assessed at 90%. The Observation Report of the Senior Civil Surgeon, Institute of Mental Health, records that he suffers from a Major Neurocognitive Disorder with behavioral disturbance and a severe disability of



90% on account of his mental illness. He is bedridden in his needs, requires constant supervision, and is wholly incapable of comprehending or communicating or of managing his person or property.

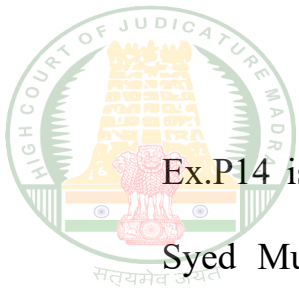
3. The petitioner states that Mr. Syed Munzir is unmarried and has no issue. Their father, Mr. Syed Asim, died intestate on 24.08.1992 and their mother, Mrs. Shahwar Begum, died intestate on 08.02.2015. The legal heirs are Mr. Syed Munzir, Mr. Syed Amman, Mrs. Syedah Durriya and Mrs. Syedah Hafsa. The petitioner states that, as per the Muslim law of inheritance, the two sons are each entitled to 2/6th share and the two daughters are each entitled to 1/6th share in the estate of late Mr. Syed Asim. The schedule property is the property bearing Old Door No.15, New Door No.7, Town Planning Scheme Road, R.A.Puram, Chennai – 600 028, and the share of Mr. Syed Munzir is stated to be an undivided 1/3rd share, measuring about 2000 sq.ft. out of the total extent of 6000 sq.ft., valued approximately at Rs.3 crores.

4. The two sisters, Mrs. Syedah Durriya and Mrs. Syedah Hafsa, have filed affidavits of no objection, stating that they have no objection to the appointment of the petitioner as guardian of the person and property of Mr. Syed Munzir. The petitioner has also filed his declaration of willingness to act as guardian.



5. Since there was no respondent in the Original Petition, the learned Master, by order dated 09.02.2026, directed the petitioner to effect general paper publication in one Tamil daily and one English daily, mentioning the hearing date as 09.03.2026. Accordingly, general paper publication was effected in the Tamil daily “Makkal Kural” and in the English daily “Trinity Mirror” on 11.02.2026. The affidavit of service was filed. On 23.03.2026, the learned Master recorded that the publication had been effected, service was complete and, when objections were called for in open Court, no objection was raised.

6. The petitioner examined himself as P.W.1 before the learned Master on 01.06.2026 and filed his proof affidavit. Through him, Ex.P1 to Ex.P15 were marked. Ex.P1 is the Neuro P.G. Report dated 31.05.2025 of Rajiv Gandhi Government Hospital, Madras Medical College, Chennai; Ex.P2 is the Neuropsychology Report dated 02.06.2025 issued by the Clinical Psychologist, Institute of Mental Health, Kilpauk; Ex.P3 is the report of Dr. Srikanth S. dated 04.06.2025; Ex.P4 is the certificate of Dr. Srikanth S. dated 05.06.2025; Ex.P5 and Ex.P6 are the death certificates of Syed Asim and Shahwar Begum; Ex.P7 is the legal heirship certificate of Syed Asim; Ex.P8 and Ex.P9 are the sale deeds dated 30.11.1945 and 25.03.1971; Ex.P10 series are the patta register extracts dated 11.08.2016 and 17.08.2022; Ex.P11 is the property tax receipt; Ex.P12 and Ex.P13 are the Aadhaar cards of Syed Asim and Syed Amman;



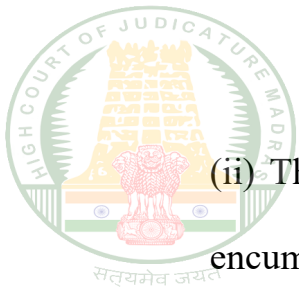
Ex.P14 is the disability certificate dated 14.11.2025 standing in the name of Syed Munzir; and Ex.P15 is the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

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

8. On a consideration of the pleadings and the evidence, this court satisfied that Mr. Syed Munzir is a person who, by reason of a Major Neurocognitive Disorder (advanced dementia / early-onset Alzheimer's disease) assessed at 90% disability by the Institute of Mental Health, Kilpauk, is wholly incapable of managing himself, his affairs or his property; that his parents are no more and the petitioner, his younger brother, has been looking after him; that his only other near relatives, his two sisters, have consented; that public notice was given and drew no objection; and that the petitioner is a fit and proper person, willing to act. The appointment is necessary and deserves to be allowed.

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

(i) The petitioner, Syed Amman, is appointed as the guardian of the person of his brother Mr. Syed Munzir, a mentally incapacitated person, and as the manager of his properties, under Clause XVII of the Letters Patent, 1865.



(ii) The petitioner 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.

(iii) The petitioner shall file before the Registry, within three months, a full and true inventory of the person and properties of Mr. Syed Munzir, and shall thereafter render a true account of his management once in every year.

(iv) This appointment shall enure during the disability of Mr. Syed Munzir 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.

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

10. 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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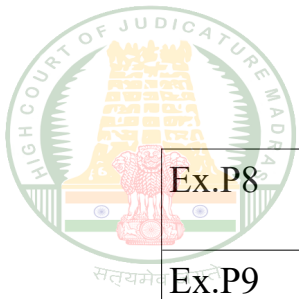
**Petitioner's witnesses:**

P.W.1 –Mr.Syed Amman

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Documents exhibited by the petitioner:

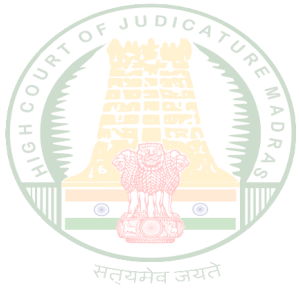
<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of Neuro P.G.Report dated 31.05.2025 of Rajiv Gandhi Government Hospital, Madras Medical College, Chennai, standing in the name of Mr.Syed Munzir
Ex.P2	Photocopy of Neuropsychology Report dated 02.06.2025 issued by the Clinical Psychologist, Institute of Mental Health, Kilpauk, Chennai
Ex.P3	Photocopy of the report of Dr.Srikanth.S dated 04.06.2025 Neurologist Specialist in Dementia Neuropsychiatry standing in the name of Mr.Syed Munzir
Ex.P4	Photocopy of the certificate of Dr.Srikanth.S dated 05.06.2025 Neurologist Specialist in Dementia Neuropsychiatry standing in the name of Mr.Syed Munzir
Ex.P5	Computer generated death certificate of Syed Asim
Ex.P6	Computer generated death certificate of Shahwar Begum
Ex.P7	Photocopy of the legal heirship certificate of Mr.Syed Asim



Ex.P8	Photocopy of the sale deed dated 30.11.1945
Ex.P9	Photocopy of the sale deed dated 25.03.1971
Ex.P10(Series 2 Nos)	Downloaded copy of the patta register dated 11.08.2016 and 17.08.2022 standing in the name of Shahwar Begum and 4 others
Ex.P11	Downloaded copy of the property tax receipt standing in the name of Shahwar Begum
Ex.P12	Photocopy of the Aadhaar Card of Syed Asim
Ex.P13	Photocopy of the Aadhaar Card of Syed Amman
Ex.P14	Photocopy of the certificate of disability standing in the name of Syed Munzir dated 14.11.2025
Ex.P15	63(4)(C) Certificate for all the electronic documents

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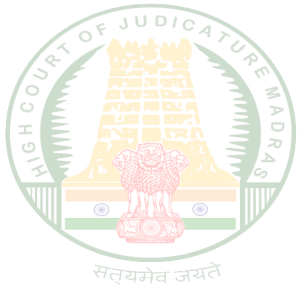


DR.A.D.MARIA CLETE, J.

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