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O.P. No.69 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

O.P.No.69 of 2026

V.Vikram

..Petitioner

PRAYER: Original Petition filed under Section Clause XVII of the Letters Patent of 1865 to appoint the petitioner as the guardian for the person and manger of the properties of the Mild Intellectual Disability person V.Vivek and to permit the petitioner to receive the pension amount and manage the assets on behalf of the Mild Intellectual Disability person V.Vivek.

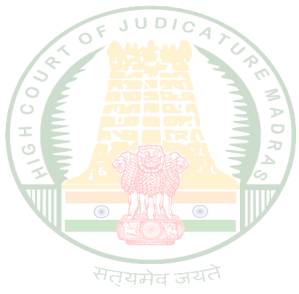
For Petitioner:

Mr.S.Senthilnathan

ORDER

This Original Petition has been filed under Clause 17 of the Letters Patent seeking appointment of the petitioner, Vikram V., as guardian of the person and manager of the property of his elder brother, V. Vivek, and for authority to receive and administer the family pension and other amounts payable to him.

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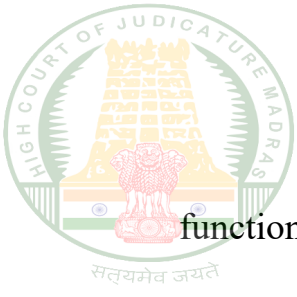
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2. The petitioner states that V. Vivek was born on 18.06.1989 and has an intellectual disability. Their father, G. Vasudeva Manikandan, who was employed in the Defence Accounts Department, died on 29.06.2019. Their mother, G.V. Chitra Manikandan, thereafter received the family pension and cared for V. Vivek until her death on 06.07.2025. The petitioner claims that he has since been attending to the personal and financial needs of V. Vivek.

3. The petitioner was examined as P.W.1. Exs.P1 to P11 were marked through him. They include the birth certificate, the death certificates of the parents, the legal heirship certificate, the medical records issued by the National Institute for Empowerment of Persons with Multiple Disabilities, the bank passbook, the sale deed dated 20.08.2013 and the encumbrance certificate.

4. The psychological assessment report issued by the National Institute for Empowerment of Persons with Multiple Disabilities records that V. Vivek has mild intellectual disability assessed at 50%. His mental age was assessed as six years and eight months, with an Intelligence Quotient of 54, and his social age as nine years and four months, with mild deficits in socio-adaptive



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functioning. The report recommends continued support, social-skills training, vocational training and emotional support.

5. General notice was caused to be published in one Tamil daily and one English daily. No objection was received pursuant to such publication. The petitioner's sister, Vaishnavi V., has also filed an affidavit consenting to the appointment of the petitioner as guardian of V. Vivek.

6. Intellectual disability by itself does not justify the complete displacement of the legal agency of an adult. The authority conferred upon a guardian must, therefore, be confined to matters in which assistance or representation is shown to be necessary and must be exercised in the interest of the person concerned, with due regard to his wishes and preferences to the extent that they can be ascertained.

7. The medical evidence, considered along with the evidence of P.W.1, establishes that V. Vivek requires continuing assistance in relation to his personal care, receipt and administration of pensionary benefits, operation of his bank account and protection of his property. The petitioner is his younger brother, has been caring for him after the death of their mother, has expressed



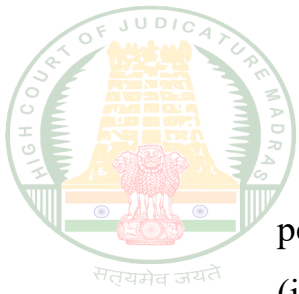
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his willingness to undertake the responsibility, and no adverse interest on his part has been established.

8. The immovable property mentioned in the petition stood in the name of the deceased mother. V. Vivek can claim only such undivided share therein as may devolve upon him in accordance with the applicable law of succession. This proceeding does not determine either the extent of his share or the title of the legal heirs. Likewise, the entitlement to family pension and the amount payable are matters to be determined by the competent pension-sanctioning authority under the applicable rules.

9. Accordingly, this Original Petition is allowed on the following terms:

- (i) The petitioner, V.Vikram, is appointed as the guardian of the person of his elder brother, V. Vivek (born 19.06.1989), a person with an 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.
- (ii) The petitioner is permitted to receive, on behalf of V. Vivek, the family pension payable in respect of late Vasudeva Manikandan, and to operate the bank account of V. Vivek, with the State 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,



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permit the petitioner to so receive and operate the same.

(iii) The money so received shall be utilised exclusively for the maintenance and welfare of V. Vivek, 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 V. Vivek 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 V. Vivek, 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 V. Vivek 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.

However, there shall be no order as to costs. Consequently, the connected applications, if any, stands closed.

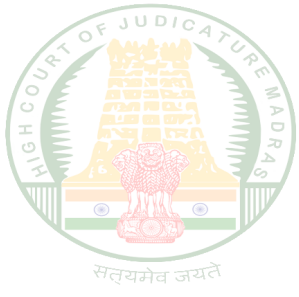
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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Order made in
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Dated:
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