

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 18TH DAY OF JANUARY 2017

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

O.P. No.497 of 2014

In the matter of Mental Health
Act, 1987 (XIV of 1987)

and

In the matter of Nalini Raman

Padmasini Raman
W/o. late S.Raman
New No.70, 1st Main Road,
R.A.Puram, Chennai-600 028. ... Petitioner

Original Petition praying that this Hon'ble Court may
be pleased to pass an order that the Petitioner be
appointed as Manager of the person and property (Schedule
B) of the mentally ill person Nalini Raman.

SCHEDULE

A PROPERTY:

All that piece and parcel of land measuring about
10540 Sq.ft comprised in R.S.No.3927/13 & 3925/15, Mylapore
Village, with superstructure thereon being Plot No.RA3,
Corporation Old No.46, New NO.70, 1st Main Road, Raja
Annamalai Puram, Chennai-600 028 and bounded on the

North by:R.S.No.3927/66, Mylapore Village, New Door No.68,
1st Main Road, Raja Annamalai Puram

South by:1st Main Road, R.A.Puram

East by:R.S.No.3927/66, Mylapore Village, New Door No.68,
1st Main Road, Raja Annamalai Puram.

West by:Plot No.RA 24 bearing Corporation old Door No.45,
New No.72, 1st Main Road, RA Puram.

B PROPERTY:

Undivided 1/24th share in the Schedule A property.

This Original Petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Sections 50 and 52 of the Mental Health Act (Act XIV of 1987) to appoint the petitioner as Manager of the person and property (Schedule B) of the mentally ill person Nalini Raman.

2. In the petition, it is stated that the petitioner was married to S.Raman on 15.07.1963. Out of the wedlock, the petitioner has three children, viz.,

SL. No	Name	Age	Relationship with petitioner
1	Nalini Raman	48 years	Daughter
2	Srinivasan Raman	46 years	Son
3	Malini Raman	39 years	Daughter

The husband of the petitioner passed away on 10.12.2001. The petitioner submits that her daughter Nalini Raman has been suffering from Paranoid Schizophrenia for over 25 years and now and she is under treatment. Under medical advice she was hospitalized in 1995. She was admitted to Raju Hospital Pvt. Ltd., South Usman Road, T.Nagar in January 1995. She was under treatment for acute paranoid

schizophrenia till 16.02.1995 when she was discharged. She was attended by Dr.S.Vijayakumar. The reports and receipts issued by Raju Hospitals Pvt.Ltd., are produced. The petitioner further submits that Nalini Raman has since treated by Dr.R.Govindan, Neurosurgeon, Professor and Head, Department of Neuro Surgery, Government Stanley Hospital and Stanley Medical College and Dr.S.Vijayakumar, Consultant Psychiatrist, Voluntary Health Services, Adyar and Public Health Centre, West Mambalam. She has been under treatment for paranoid Schizophrenia and the medical certificate dated 05.08.2013 issued by Dr.S.Vijayakumar is produced. The petitioner further submits that Nalini Raman on account of her condition had to be again hospitalized as independent. She was admitted in Psymed Hospital, Harrington, Chetpet, Chennai from 15.08.2013 to 16.09.2013. Dr.N.Rangarajan, Consultant, Psychiatrist and Director Psymed Hospital attended on her. Discharge summary dated 23.10.2013 issued by the hospital is produced. Nalini Raman is now under the treatment of Dr.N.Rangarajan, for Paranoid Schizophrenia and the medical certificate dated 18.12.2013 issued by Dr.N.Rangarajan is produced.

3. The petitioner further submits that her daughter Nalini Raman has been afflicted with Paranoid Schizophrenia for nearly 25 years. Now, her mental condition is not stable. She has been suffering from mental imbalance associated with Paranoid Schizophrenia for over 25 years.

She has been advised to be on continuous medication for the ailment. She is advised to continue the medicines prescribed. A few of the medical prescriptions and medical reports and bills are produced. The petitioner as the mother has been taking care of Nalini Raman through out. On account of her health condition Nalini Raman is single and is not employed. Nalini Raman is living with petitioner and the petitioner is taking care of all her needs including medical expenses. The petitioner being the natural mother of Nalini Raman is taking complete care of her and thus there is no occasion to seek appointment of Guardian for the person of Nalini Raman.

4. It is further stated in the petition that Mrs. Janaki Sarangapani, mother of S. Raman had acquired an extent of 14186 sq.ft comprised in R.S.Nos.3927/13 & 3925/15, Mylapore Village with superstructure thereon, being plot No.RA3, Corporation Old No.46, New No.70, 1st Main Road, Raja Annamalaipuram, Chennai-600 028 under registered Sale Deed dated 26.06.1972, Doc.No.1208/1972, S.R.O. Mylapore. She had conveyed a portion of the site measuring 3645 sq.ft to one T.R.Srinivasan under registered sale deed dated 26.03.1990, Doc.No.698/1990, S.R.O., Mylapore. She retained the remaining property and at the time of her death was thus possessed of immovable property measuring about 10540 sq.ft. comprised in R.S.No.3927/13

and 3925/15, Mylapore Village with superstructure thereon, being Plot No.RA3, Corporation Old No.46, New No.70, 1st Main Road, Raja Annamalaipuram, Chennai-600 028 and more fully described in Schedule 'A'. The xerox copies of the aforesaid Sale Deeds and extracts from permanent land register are filed. Janaki Sarangapani passed away on 27.11.2009 and her death certificate is produced. Her husband S.Sarangapani predeceased on 13.09.1979 and a copy of death certificate is produced. Janaki Sarangapani, the owner of Schedule 'A' property was survived by six children including S.Raman, the father of Nalini Raman and husband of the petitioner. Thus, S.Raman was possessed of an undivided 1/6 share in the schedule 'A' property.

5. It is further stated in the petition that on the death of S.Rman, his undivided 1/6 share in the schedule 'A' property has devolved equally on the petitioner and his three children including Nalini Raman. A copy of the legal-heirship certificate of S.Raman is produced. Thus, Nalin Raman is possessed of 1/24th undivided share in the Schedule 'A' property and the same is described as Schedule 'B' property. The copies of document of title are also produced. The petitioner is the only Class I heir of Nalin Raman. The petitioner further submits that all the co-owners have decided to dispose of the Schedule 'A' property. The share of Nalini Raman in the said property is

1/24th undivided share being the Schedule 'B' property. The petitioner further submits that the sale of the Schedule 'B' property being the undivided interest of Nalini Raman in the Schedule 'A' property will be in the best interests of Nalini Raman as all the legal-heirs of Janaki Sarangapani together holding an undivided 5/6th share in the said property are desirous of disposing of the Schedule 'A' property. It may not be practical and feasible to retain the fractional undivided share of Nalini Raman as all the co-owners desire to dispose of the Schedule 'A' property. Thus, the intended sale will be in the best interests of Nalini Raman. It would help pay for the living and medical expenses in future of Nalini Raman. The petitioner is also a co-owner of an undivided 1/24th share in the Schedule 'A' property. She has no interest adverse to that of her daughter Nalini Raman. The mental condition of Nalini Raman is such that she cannot comprehend, analyze and decide about the affairs having direct impact on her life. She has hallucinations and delusions. She has been single and the petitioner being her mother has been taking care of her all the while. No application has been made to any District Court or Delegate or to any High Court for the appointment of manager of the Schedule 'B' property on the mentally ill person Nalini Raman. Hence the present petition.

6. The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P27;

Ex.P1 is the original Medical prescription dated 28.01.1992 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P2 is the original medical prescription dated 11.05.1993 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P3 (Series 11 Nos.) are the original medical prescriptions in respect of her eldest daughter Ms.Nalini Raman.

Ex.P4 (Series 3 Nos.) are the original medical prescriptions in respect of her eldest daughter Ms.Nalini Raman.

Ex.P5 is the original medical prescription dated 19.07.1997 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P6 (Series 12 Nos.) are the Original Medical prescriptions in respect of her eldest daughter Ms.Nalini Raman

Ex.P7 is the original medical prescription dated 08.01.2014 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P8 is the original receipt dated 22.01.1992 given

Ex.P9 (series 3 Nos.) are the original receipts given by Raju Hospital Private Limited, in which her eldest daughter Ms.Nalini Raman was admitted as inpatient for treatment.

Ex.P10 is the original E.E.G.Report, dated 25.09.1989 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P11 (Series 3 Nos) are the original medical reports in respect of her eldest daughter Ms.Nalini Raman.

Ex.P12 is the original E.E.G.Report dated 22.01.1992 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P13 (Series 3 Nos) are the original medical reports dated 30.01.1995 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P14 (Series 3 Nos.) are the original payment receipts given by Psymed Hospital, Chetpet, Chennai.

Ex.P15 is the original letter dated 05.08.2013, given by Dr.S.Vijay Kumar, Consultant Psychiatrist, in respect of her eldest daughter Ms.Nalini Raman.

Ex.P16 is the original discharge summary along with reports given by Psymed Hospital, Chennai in respect of her eldest daughter Ms.Nalini Raman.

Ex.P17 is the original medical certificate dated 18.12.2013 in respect of her eldest daughter Ms.Nalini Raman.

Ex.P18 is the original death certificate of her deceased father-in-law Mr.Sarangapani, who died on

13.09.1979.

Ex.P19 is the computer generated death certificate of her deceased mother-in-law Mrs.Janaki Sarangapani, who died on 27.11.2009.

Ex.P20 is the original legal-heirship certificate dated 25.04.2011 in respect of her deceased mother-in-law Mrs.Janaki Sarangapani.

Ex.P21 is the computer generated death certificate of her deceased husband Mr.S.Raman, who died on 10.12.2011.

Ex.P22 is the original legal-heir certificate dated 05.07.2012 in respect of her deceased husband Mr.S.Raman.

Ex.P23 is the photocopy of the sale deed dated 26.06.1972 executed in favour of her mother-in-law MRs.Janaki Sarangapani, in respect of the property situated at Raja Annamalaipuram.

Ex.P24 is the certified copy of the sale deed dated 26.03.1990 executed by her mother-in-law Mrs.Janaki Sarangapani in favour of Mr.P.R.Srinivasan.

Ex.P25 is the photocopy of the extract from the permanent land register dated 31.05.1997 in respect of the property situated at 1st Main Road, R.A.Puram, standing in the name of her deceased mother-in-law Mrs.Janaki Sarangapani.

Ex.P26 is the photocopy of extract from the permanent land register dated 31.05.1977 in respect of the property situated at 1st Main Road, R.A.Puram, standing in the name

of her deceased mother-in-law Mrs.Janaki Sarangapani.

Ex.P27 is the original declaration of willingness to act as Manager to her eldest daughter Ms.Nalini Raman, who is mentally ill.

She has also stated that she has not filed any other petition before any other Court seeking the same relief.

7. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the relief sought for in the petition.

8. In fine, this petition is ordered, by appointing the petitioner as the manager of the Schedule 'B' property belonging to Nalini Raman. The petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

सत्यमेव जयते

sd/.M.K.K.S.J
18.01.2017

//Certified to be a true copy//

Dated this the day of 2017

R.s/01.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.