

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

O.P. No. 212 of 2018

M. Sumathi ...Petitioner

Prayer: Petition filed under Sections 50, 51, 52, 53, 54 and 61 of the Mental Health Act, 1987, for judgment and decree:-

- (a) to appoint the Petitioner as Guardian for the person Mr. A. Muthu;
- (b) to appoint the Petitioner as Manager of the properties of her husband Mr. A. Muthu, more fully described in the Schedule A to D hereunder;
- (c) to grant permission to the Petitioner for sale of one-third undivided share in property described as Schedule A hereunder belonging to her husband Mr. A. Muthu in favour of E. Ananthakrishnan and E. Gopinath for Rs.1,17,21,201/-; and
- (d) to grant permission to the Petitioner for releasing her husband's one-third undivided share in Schedule B and C properties in favour of A. Radhakrishnan and A. Kasthuri and give necessary directions for deposit of such sum as the Court may direct for the benefit of A. Muthu out of the sale proceeds.

For Petitioner : Mr. S. Ganesh

J U D G M E N T

This Petition has been filed under Sections 50, 51, 52, 53, 54 and 61 of the Mental Health Act, 1987, and as per the said legal provisions, such Petition could be filed before the District Court. It has been provided in Section 2 (b) of the Mental Health Act, 1987, that District Court means in any area for which there is City Civil Court, that Court and in any other area, the Principal Civil Court of Original Jurisdiction. Further in terms of Section 96 of the Mental Health Act, 1987, its provisions shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force and to the extent of such inconsistency that other law shall be deemed to have no effect.

2. In view of the aforesaid legal provisions and as there is a City Civil Court in the City of Chennai, Learned Counsel for the Petitioner seeks to withdraw this Original Petition with a liberty to file a fresh Petition before the City Civil Court, Chennai, and he has also made an endorsement to that effect, which is recorded.

3. Having regard to the aforesaid submissions made, the Original Petition is dismissed as withdrawn and liberty is granted to the Petitioner as aforesaid. Consequently, the connected application is closed. No costs.

11.10.2018

vjt

Note:

1. Issue order copy on 12.10.2018.
2. Registry is directed to return the original documents filed by the Petitioner to the Counsel for the Petitioner by 31.10.2018 under written acknowledgement after substituting the same with certified copy thereof, to be obtained and produced by the Counsel for the Petitioner.

Index : Yes/ No

Internet : Yes/ No

P.D.AUDIKESAVALU, J.

vjt

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