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W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

**W.M.P.No.19089 of 2021
in
W.P.No.33279 of 2017**

V.BHARATHIDASAN.J.

ORDER

The petitioner is the sister of one T.K.Sreekanth. She has been appointed as Legal Guardian by the National Trust [For the welfare of persons with Autism, Cerebral Palsy – Mental Retardation and Multiple Disabilities, Ministry of Social Justice and Empowerment (Divyangjan), Government of India] by order dated 01.03.202. The petitioner has come up with this miscellaneous petition seeking permission of this court to sell a house property owned by her brother – T.K.Sreekanth at Vadapalani bearing Flat No.T-1, Grace Enclave, Senthil Andavar Street, Dhanalakshmi Colony, Vadapalani, Chennai 600027 for a total sale consideration of Rs.73,00,000/- to meet out the medical expenses of her medically challenged brother and for the educational expenses of his two daughters.

2. The facts leading to the filing of this miscellaneous petition in brief are as follows:-

1 of 8



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

(i) The petitioner is the younger sister of one T.K.Sreekanth Son of T.K.Sreenivasacharlu. The said T.K.Sreekanth was a Software Engineer by profession and he was working for M/s.Infosys Limited. He got married one E.Latha and was blessed with two girl children named as (1) T.K.Sreevardhini and (2) T.K.Sreepada of whom the first child has now become major and second child is still a minor.

(ii) On 12.05.2012, when the said T.K.Sreekanth along with his wife and two children went on a vacation to Nepal, unfortunately, the flight in which they traveled crashed against a mountain in which the wife of T.K.Sreekanth died on the spot, T.K.Sreekanth suffered a severe head injury, however, fortunately the two children escaped with grievous injuries. Due to lack of oxygen supply to his brain cells, T.K.Sreekanth is in a state of coma since the date of accident. The petitioner is taking care of her brother and the children.

(iii) Earlier, the petitioner had approached this court by way of Writ Petition No.33279 of 2017, seeking a mandamus directing the respondents to consider her application dated 08.05.2017 for appointment as Legal Guardian in respect of property and the person of T.K.Sreekanth. That writ petition was disposed of by this court by order dated 04.01.2019, directing the 2nd



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

respondent to consider the request of the petitioner for appointment as Legal Guardian of T.K.Sreekanth. Accordingly, the 2nd respondent considered the request of the petitioner for appointment as legal guardian and issued a Certificate dated 01.03.2021 appointing the petitioner as the Legal Guardian of T.K.Sreekanth.

(iv) While so, now, the petitioner has come up with this miscellaneous petition seeking permission to dispose of the property owned by her brother T.K.Sreekanth for his medical expenses and for the welfare of his daughters and for meeting out their educational expenses.

3. Today, the petitioner was present in court. According to her, the over all expenses for nursing and medicines excluding doctor's fees for Sreekanth would cost around Rs.36,000/- per month and she is struggling to meet out the medical expenses and with the meager amount which she earns through a boutique run by her and with the meager pension amount of her mother she is taking care of her brother. Besides the above, she has to take care of the education of the children, who are doing their higher education. Therefore, she had no option except to sell one of the apartments owned by her brother in order to mobilize the amount for



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

the maintenance of her brother and for taking care of the education of her nieces.

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4. The daughters of T.K.Sreekanth are also present in court. On enquiry, T.K.Sreevardhini, the elder daughter, submitted that and pursuing B.Tech, I Year at Sri Ramachandra Institute of Higher Education and Research in Chennai and her minor sister T.K.Sreepada submitted that she has been pursuing I Year Diploma in Hotel Management in National Institute of Hotel Management, Chennai. Both of them further state that since 2012 the petitioner alone taking care of them and also their medically challenged father, both morally and financially.

5. The learned counsel appearing for the petitioner submitted that the petitioner financially struggles and finds it very difficult to meet out the medical expenses of her medically challenged brother apart from meeting out the educational expenses and other expenses of her brother's daughters and also her own children. Therefore, she has decided to sell the apartment owned by her brother for a decent price and to invest the sale proceeds in a good interest earning deposit and utilize the interest accrued on such deposit for the medical



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

expenses of his brother and the educational expenses of her nieces.

WEB COPY

6. The learned counsel further submitted that in pursuance of the order of this court dated 04.01.2019, petitioner has been submitting accounts periodically and the petitioner has come up with this petition only in the interest of the children and the brother of the petitioner and there is no personal interest or mala fide intention.

7. This court has considered the unfortunate situation of the petitioner. Considering the facts and circumstances of the case this court is of the view that for the welfare of the children and for taking care of her medically challenged brother, the petitioner could be permitted to sell the apartment owned by her brother T.K.Sreekanth and utilize the sale proceeds for the maintenance of her medically challenged brother and for the welfare of the children.

In the result, this miscellaneous petition is allowed in the following terms:-

(i) the petitioner/legal guardian of Mr.T.K.Sreekanth is permitted to sell



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

house property in Flat No.T-1, Grace Enclave, Senthil Anadavar Street,
Dhanalakshmi Colony, Vadapalani, Chennai 600027;

(ii) The petitioner shall open a Joint Savings Bank Account in the name of
a T.K.Sreevardhini and minor T.K.Sreepada in any one of the Nationalized
Banks. The petitioner shall stand as Guardian for the minor T.K.Sreepada.

(iii) The petitioner is directed to deposit the entire sale proceeds in any one
of the Nationalized Bank in a fixed deposit for a specific term and renew it
periodically.

(iv) T.K.Sreevardhini and minor T.K.Sreepada, represented by the
petitioner as Guardian are permitted to withdraw the interest accrued on fixed
deposit once in three months for the maintenance of T.K.Sreekanth and for the
educational expenses of T.K.Sreevardhini and minor T.K.Sreepada.

(v) In case of any exigencies T.K.Sreevardhini and minor T.K.Sreepada,
represented by the petitioner as Guardian are permitted to foreclose the fixed
deposit and utilize a portion of the amount and reinvest the remaining amount in
the same way as directed under clause (iii) and on such reinvestment, accrued
interest is permitted to be withdrawn in the same way as directed under clause
(iv) above;



W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

(vi) The petitioner as the Guardian of T.K.Sreekanth shall file a report before the Registrar General of this Court every six months specifically indicating the transactions undertaken by her in respect of the assets of T.K.Sreekanth and also the details regarding the funds, if any, received by her and utilization of the same for the purpose of maintaining the said person;

(vii) It is made clear that this order has been passed in modification of the order of this court made in Cont.P.No.2104 of 2019 and Rev.Apln.No.1 of 2020 in W.PNo.33279 of 2017 dated 12.02.2020 and all other conditions imposed by this court earlier shall stand unaltered.

Index : yes / no

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Speaking / Non Speaking Order

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Note: Issue order copy on 04.05.2022.



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W.M.P.No.19089 of 2021 in W.P.No.33279 of 2017

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W.M.P.No.19089 of 2021
in
W.P.No.33279 of 2017

04..04..2022

8 of 8