



This Petition has been filed taking advantage of Clause XVII of the Letters Patent, seeking to appoint the petitioner as the guardian of her brother M.Sriram, who according to the petitioner suffers from mental illness and is not capable of looking after himself.

2. In the petition, it had been stated that her brother M.Sriram was employed in USA but returned back to India in 1997 after obtaining divorce from his wife. He stayed with his father. The mother, owing to age and other complications suffered blindness and the petitioner was looking after the mother. The petitioner has an other sister but it is stated that she had to undergo brain surgery and is under the care of her husband.

3. It is stated that the father died and the mother has also died. It is further stated that M.Sriram, the brother of the petitioner is in institutional care for his mental illness which had been diagonalised as 70% Schizophrenia / mental illness. It is stated that the father had left behind a property and the petitioner



seeks permission to be appointed as guardian of her brother and has stated that she and his sister have taken a decision to dispose the said property and deposit the share of her brother M.Sriram so that the said amount could be utilised towards his medical treatment and for his other expenses. It is under these circumstances that this Petition has been filed.

4. The petitioner was directed to tender evidence and therefore, she examined herself as PW-1. The death certificate of her father, K.V.Mahalingam was marked as Ex.P-1, the legal heirship certificate was marked as Ex.P-2. The death certificate of the mother of the petitioner was marked as Ex.P-4 and her legal heirship certificate was marked as Ex.P-5. The certificate of disability dated 02.12.2021 relating to M.Sriram was marked as Ex.P-3. It had been issued by medical professional at Government Hospital, Saidapet and M.Sriram had been diagnosed as suffering from 70% mental illness / Schizophrenia. Further documents in relation to his mental condition had been marked as Exs. P-7 and P-9.

5. It is also seen from the said documents that the petitioner has to incur monthly expense of around Rs.16,000/-



WEB COPY

every month to the Institution where M.Sriram is now undergoing treatment. Ex.P-11 is a declaration given by the petitioner to act as guardian of the personal property of her brother M.Sriram.

6. During the course of evidence, the document relating to the grant of divorce by the Circuit Court of Cook County, Illinois Country Department, in USA was produced but the Master had not marked the same. However, since that document is required to complete the evidence, it is now marked as Ex.P-12.

7. In view of the evidence recorded, this Petition stands allowed.

8. The petitioner is appointed as Guardian of M.Sriram.

9. The petitioner is to tender accounts with respect to the sale proceedings of the property at Flat No. 3, Old Door No. 12, First Floor, Gopalapuram 4th Street, Chennai – 600 086, measuring 2622 sq.ft. The petitioner is to file a copy of the agreement of sale if ever entered into and in the agreement of sale, the specific consideration which is to flow to the credit of M.Sriram should be specifically mentioned and if any advance prior to the execution of



the sale is recalled, apportionment of the said share of M.Sriram is also be mentioned and the said amount received as advance if so received should be deposited in a Nationalised Bank and intimation thereof should be given to the Registry of this Court and copy of the Fixed Deposit should be retained in the records of the present O.P.No. 507 of 2022. If subsequently, the agreement is specifically enforced and a sale deed is executed, again the petitioner is directed to ensure that the sale consideration which falls to the share of M.Sriram, is deposited in a Nationalised Bank and details there of should again be intimated to the Registry.

10. The petitioner is permitted to withdraw the interest portion once every quarterly and utilise it for the medical expenses and other expenses of M.Sriram. The petitioner is also permitted to apportion the expenses incurred by her till such sale is actually effected towards the medical expenses from and out of the share of the sale consideration of M.Sriram. Accounts in this manner to be filed once every year, preferably on or before 30th June of every year.

11. If every any agreement of sale is entered into, the petitioner is permitted to act as a guardian of M.Sriram and in case



WEB COPY

any registration of sale deed is to be effected, the petitioner may present documents for registration on behalf of M.Sriram. In effect, the petitioner can act as Guardian in all matters relating to the property and personal effects of M.Sriram. She must independently execute a bond of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras, undertaking to perform the acts of guardian of M.Sriram and not to act in his adverse interest.

12. With the above said condition, this Petition stands allowed.

29.09.2022

Index:Yes/No
Internet :Yes/No
vsg



WEB COPY



6

C.V.KARTHIKEYAN, J.

vsg

O.P.No. 507 of 2022

29.09.2022