



O.P.No.454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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1. R.Premavathi
2. G.Gowri Sankari

... Petitioners

Original Petition is filed under Clause XVII of Letters Patent Act, 1865 (Mental Ill) to appoint the first petitioner as the legal guardian of the mental ill person and manager of the mental ill person and to grant an order to the first petitioner to sell the property for the medical expenses of the Mental Ill patient Mr.Veerarahagavan.

For Petitioners : Dr.E.Gomathi

ORDER

This Original Petition has been filed to appoint the first petitioner as the legal guardian and manager of the mental ill person and to grant an order to the first petitioner to sell the property for the medical expenses of the Mental Ill patient Mr.Veerarahagavan.



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2. The petition mentioned properties belonged to the first petitioner and her husband R.Raman by virtue of two sale deeds dated 16.07.1987 and 09.09.2002. The first petitioner's husband R.Raman died intestate on 10.07.2019 by leaving behind the first petitioner and his sons by name R.Sathyanarayanan and R.Veeraraghavan as his legal heirs. The first petitioner is the mother and the second petitioner is the wife of said R.Veeraraghavan. R.Veeraraghavan is said to be in Coma stage due to Haemorrhagic stroke suffered by him. Since the first petitioner and the second petitioner are having financial necessity to sell the property in order to take tackle the medical emergency concerning R.Veeraraghavan, this petition has been filed seeking permission to appoint the first petitioner as the legal guardian and manager of mental ill person R.Veeraraghavan and to permit the first petitioner to sell the property for meeting the medical expenses of R.Veeraraghavan.

3. The first petitioner examined herself as P.W.1 and marked Exs.P1 to P15.

4. The death certificate of R.Raman is marked as Ex.P7. From the legal heirship certificate of R.Raman which is marked as Ex.P12, it is seen



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that the first petitioner and his two sons R.Sathyanarayanan and R.Veeraraghavan are his legal heirs. The other son R.Sathyanarayanan had given Power of Attorney in favour of his mother which is marked as Ex.P14. It is seen from Ex.P9-Medical reports that R.Veeraraghavan had suffered from Hemorrhagic Stroke. From Ex.P11 Doctor's letter, it is seen that R.Veeraraghavan is not in a state of mind to take any informed decisions and he is in the stage of 'Comatose' and bed ridden.

5. The first petitioner had entered into a sale agreement with the third party and a copy of the sale agreement is marked as Ex.P15. Paper publication effected in one issue of Tamil daily “Makkal Kural” on 13.08.2023 and in one issue of English daily “Trinity Mirror” on 11.08.2023 did not attract any objectors.

6. It is seen that R.Veeraraghavan, as one of the sons of the deceased father R.Raman is entitled to inherit 1/3 share in the undivided half share of his father. One of the sons by name Sathyanarayanan had given power of attorney in respect of his share in favour of his mother, the first petitioner herein. The petitioners who are the mother and wife of R.Veeraraghavan, do not have any other source for money to meet out the medical expenses of



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R.Veeraraghavan. Hence, they have filed this petition seeking permission to appoint the first petitioner as the legal guardian of R.Veeraraghavan and to sell the petition mentioned property which is inclusive of 1/6th share of R.Veeraraghavan. The second petitioner who is the wife of R.Veeraraghavan had given consent in favour of the first petitioner to be appointed as the guardian of R.Veeraraghavan.

7. Since the said R.Veeraraghavan is not in a state of consciousness to make any informed decisions. With the materials produced by the first petitioner she had proved herself as the fit person to be appointed as the legal guardian for R.Veeraraghavan. I feel it is appropriate to appoint the first petitioner as legal guardian of R.Veeraraghavan.

8. Accordingly, this Original Petition is allowed by appointing the first petitioner as the legal guardian of his son R.Veeraraghavan and she is permitted to sell the scheduled mentioned property which is inclusive of the share of R.Veeraraghavan for meeting out his medical expenses.

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APPENDIX

Petitioner's witness:

P.W.1 – R.Premavathi

Documents exhibited:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original sale deed dated 16.07.1987
Ex.P2	Original sale deed dated 09.12.2002
Ex.P3	Original marriage invitation dated 06.07.2015
Ex.P4	Original certificate of marriage dated 07.07.2015
Ex.P5	Original marriage photo
Ex.P6	Original birth certificate of child dated 25.06.2018
Ex.P7	Online printout copy of death certificate of father R.Raman dated 23.07.2019
Ex.P8	Original Aadhar card of R.Premavathi
Ex.P9	Medical reports and photo dated 10.11.2021
Ex.P10	Online copy of citations dated 27.01.2022
Ex.P11	Original concerned letter of Sukino Healthcare Solutions Pvt. Ltd., dated 21.02.2023
Ex.P12	Online copy of legal heir certificate of Raman dated 13.03.2023
Ex.P13	E-mail copy of employment certificate letter dated 17.03.2023
Ex.P14	Original Power of Attorney given by elder son Sathyanarayanan dated 20.03.2023
Ex.P15	Xerox copy of sale agreement dated 20.02.2023.

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R.N.MANJULA, J.

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