



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE **R.N.MANJULA**

O.P.No.531 of 2023

Mrs.R.Vijayarani

... Petitioner

Prayer:- This Petition is filed under Clause XVII of the Letters Patent of 1865, seeking to appoint the petitioner as the guardian for the mentally ill person R.Vijayaraghavan and to manage the properties of the mentally ill person R.Vijayaraghavan till his recovery and to permit the petitioner to represent in O.S.No.149 of 2010 in Additional Subordinate Judge, Thanjavur which was filed by S.G.Paranthaman and another Vs. S.G.Kirubanatham and 12 others and to permit the petitioner to manage the properties of the mentally ill person which was stated in the schedule of properties.

For Petitioner : Mr.S.Senthilnathan

ORDER

This Original Petition has been filed to appoint the petitioner as the guardian for the mentally ill person R.Vijayaraghavan and to manage the schedule mentioned properties of the mentally ill person R.Vijayaraghavan till his recovery and to permit the petitioner to represent in O.S.No.149 of 2010 in



Additional Subordinate Judge, Thanjavur which was filed by S.G.Paranthaman and another Vs. S.G.Kirubanatham and 12 others.

2. The petitioner is the wife of the mentally challenged person R.Vijayaraghavan. The father and mother of the mentally challenged person died on 03.06.2010 and 20.05.2022 respectively. The mother of R.Vijayaraghavan has settled the properties in his favour and his brother. R.Vijayaraghavan is not capable of managing his own affairs. He started to behave aggressively and was admitted in the Mental care home known as Jeeva Rakshai from 2.06.2022 and thereafter, he was shifted to Adapt Home, West Tambaram, Chennai - 45.

3. The petitioner examined herself as P.W.1 and Exhibits P1 to P11 were marked.

4. The birth certificates of the children born to the petitioner and her husband Vijayaraghavan have been produced as Ex.P1 & Ex.P2 and their marriage certificate is available as Ex.P3. The Family Card which is marked as Ex.P4 would show that the family members of Vijayaraghavan consists of the petitioner and her two children. The mother-in-law of the petitioner also passed



away on 20.05.2022 and her death certificate is marked as Ex.P8. From Ex.P9 certificate issued from Adapt Home where the husband of the petitioner is admitted as an inmate, it is seen that Vijayaraghavan is suffering from mental illness by name schizoaffective disorder and he is needed to be under medication and regular follow up for atleast two years.

5. The medical follow up of Vijayaraghavan done at the Institute of Mental Health, Kilpauk would show that the condition of Vijayaraghavan was reviewed by medical experts on 15.07.2023. The neurological opinion given by the Neurologist is suggestive of psychiatric illness and his intelligence is below the average. So in such a condition, it may not be possible for Vijayaraghavan to defend himself directly in the suit proceedings pending in O.S.No.149 of 2010 on the file of the Additional Subordinate Judge, Thanjavur. So it is indispensable on the part of the petitioner who is the wife of Vijayaraghavan to take care of Vijayaraghavan and her children and to defend the suit proceedings on behalf of Vijayaraghavan by making due representation on his behalf and also to manage the properties of Vijayaraghavan as described in the schedule. However, no evidence is shown that the alleged mental illness to which Vijayaraghavan is said to be suffering is something irreversible and his



condition is deteriorated. In the present mental condition of Vijayaraghavan, it is not possible for him to take care of himself and his properties. In such circumstances, the petitioner can be appointed as a guardian for the person and property of the petitioner's mentally ill husband Vijayaraghavan until he recovers.

6. Accordingly, this Original Petition is allowed and the petitioner is appointed as a guardian for the person and property of Vijayaraghavan and the petitioner is permitted to defend the case in O.S.No.149 of 2010 on behalf of Vijayaraghavan. Though the petitioner is at liberty to manage the properties of Vijayaraghavan as his guardian, she shall not create any third party interest or alienate the property of Vijayaraghavan without the permission of this Court.

26.09.2023

Internet: Yes
Index: Yes/No
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R.N.MANJULA, J.

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