



O.P.No. 483 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No.483 of 2024

1.Mr.Sai Prakash Ragupathi

2.Mrs.K.Jayshri

3.Mrs.Subashini Raghupathi

...

Petitioners

PRAYER: Original Petition filed under Clause XVII of Letters Patent Act to appoint Mr.Sai Prakash Raghupathi son of Late Raghupathi Jithendra Prakash, the 1st petitioner herein as the guardian of the person and manager of the properties of the mentally ill person Ms.R.Nagalakshmi; to sell 1/4th share of the property and all other rights to her property of mentally ill person; to sell the share and all other rights to her shares of mentally ill person and to deposit the sale amount of mentally ill person in her savings account for her future maintenance.

For Petitioners : Mr.R.Esakki Raja



O.P.No. 483 of 2024

WEB COPY

ORDER

This petition is filed under Clause XVII of Letters Patent Act to appoint the Mr.Sai Prakash Raghupathi son of Late Raghupathi Jithendra Prakash, the 1st petitioner herein as the guardian of the person and manager of the properties of the mentally ill person Ms.R.Nagalakshmi; to sell 1/4th share of the property and all other rights to her property of mentally ill person; to sell the share and all other rights to her shares of mentally ill person and to deposit the sale amount of mentally ill person in her savings account for her future maintenance.

2. The first petitioner is the brother, second petitioner is the elder sister and the third petitioner is the younger sister of the said mentally ill person Ms.R.Nagalakshmi. The said person R.Nagalakshmi is not married and she is under the care and custody of the 1st petitioner.

3. The petitioners' father late Raghupathi Jithendra Prakash passed away on 11.01.1985. Their mother Late Raghupathi Jithendra Mahalakshmi passed away on 07.12.2008. Ms.R.Nagalakshmi has been suffering from



O.P.No. 483 of 2024

mental retardation which has been assessed at 90% severe intellectual disability by the Institute of Mental Health, Chennai vide their certificate of disability dated 29.03.2022 and also as 90% intellectual disability by the UDID Card Issuing Authority, Chennai, Tamil Nadu dated 24.07.2023 and she is incapable of taking care of herself independently. The 1st petitioner has been taking care of Ms.R.Nagalakshmi and the 1st petitioner is able and willing to act as a guardian of her person and manager for her property.

4. The petitioners were examined themselves as PW1 to PW3 and Exs.P1 to P12 were marked.

5. It is seen from the disability certificate issued by the Institute of Mental Health, Chennai under Exs.P9 & P10 that the said R.Nagalakshmi is said to have suffered severe intellectual disability assessed at 90% and she is also entitled for a share in some of the shares and also in the property left behind by her father.

6. After going through the evidence of the petitioners and the relationship between the parties, I am satisfied that the first petitioner may be



O.P.No. 483 of 2024

appointed as guardian of the person and manager of the properties of the mentally ill person Ms.R.Nagalakshmi; to sell 1/4th share of the property and all other rights to her property of mentally ill person; to sell the share and all other rights to her shares of mentally ill person and to deposit the sale amount of mentally ill person in her savings account for her future maintenance. The first petitioner is directed to file the statement of accounts/annual returns statement from the Bank, before this Court, within a period of three months from the date of receipt of a copy of this order.

7. This petition is ordered accordingly.

19.09.2024

rg

Neutral Citation: Yes/No

Speaking order : Yes/No

APPENDIX

Petitioner's witness:

P.W.1 – Mr.Sai Prakash Raghupathi

P.W.2 – Mrs.K.Jayshri

P.W.3 – Mrs.Subhashini Raghupathi



O.P.No. 483 of 2024

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of death certificate of late Raghupathi Jithendra Prakash dated 17.01.1985 (compared with original)
Ex.P2	Photocopy of the equity shares certificate dated 30.06.1986 (compared with original)
Ex.P3	Photocopy of the legal heir certificate of late Mrs.R.J.Mahalakshmi dated 20.04.2009 (compared with original)
Ex.P4	Computer generated copy of the death certificate of late R.J.Mahalakshmi issued on 05.07.20213
Ex.P5	Photocopy of the partition deed dated 01.07.2015 in Doc.No.1664/2015 dated 01.07.2015 (compared with original)
Ex.P6	Photocopy of the Aadhar card of Sai Prakash Raghupathi (compared with original)
Ex.P7	Photocopy of the Aadhar card of K.Jayshri (compared with original)
Ex.P8	Photocopy of the Aadhar card of Subhashini Raghupathi (compared with original)
Ex.P9	Photocopy of the disability certificate issued by IMH dated 29.03.2022 (compared with original)
Ex.P10	Photocopy of the UDID disability card of Ms.Nagalakshmi dated 24.07.2023 (compared with original)
Ex.P11	Photocopy of the Aadhar card of Ms.R.Nagalakshmi (compared with original)
Ex.P12	Photocopy of the valuation report

19.09.2024

rg



WEB COPY



O.P.No. 483 of 2024

RMT.TEEKAA RAMAN, J.

rgr

O.P.No. 483 of 2024

19.09.2024