



This Original Petition has been filed taking advantage of Clause 17 of Letters Patent seeking to appoint the petitioner as guardian with respect to the persons and the property of her two daughters, R.Pavithra and R.Uthra who have both been diagnosed as suffering from multiple disability and mental retardation with both at about 90%.

2.The husband of the petitioner / father of the two children, V.Rajagopal, had purchased a flat at Door No.6/39, Second Floor, Manju Apartments, Thiruvalluvar Street, Nesapakkam, K.K.Nagar West, Chennai – 600 078, by a sale deed dated 14.04.1988, which was registered as Document No.2110/1988 on the file of the Sub-Registrar office, Virugambakkam. The flat was constructed by M/s.Kasi Constructions.

3.Unfortunately, the husband of the petitioner, V.Rajagopal, died on 26.10.2000. His mother, V.Alamelu, subsequently died on 28.03.2002. This left behind the petitioner and her two daughters as sole surviving legal heirs with entitlement of 1/3rd undivided share each to the said flat. By this petition, the petitioner seeks to be appointed as guardian of her two daughters with right to manage the property and in that regard, to sell the



undivided 2/3rd share of the two daughters.

WEB COPY

4. It is stated by the learned counsel for the petitioner that the petitioner is the owner of yet another flat and she and her two daughters can reside in that particular flat. The sale proceeds would be used for the medical treatment and medical expenses of the two daughters. The petitioner has no other income and therefore, required the sale consideration of this particular property.

5. After following due procedure, the petitioner was directed to tender evidence and accordingly, she examined herself as PW-1. She marked the documents relating to the flat as Exs.P1 and P2. The death certificate and legal heirship certificate of her husband were marked as Exs.P3 and P4. The death certificate of her mother-in-law was marked as Ex.P5. The disability certificates of her two daughters were marked as Exs.P6 and P10. The National Identity Card and passbook relating to disability and the Unique Disability Identity Card of the two daughters were marked as Exs.P7, P8, P10 and P11.

6. This Court had directed that the medical professional who had issued the certificates should also be examined. Accordingly, the petitioner examined Dr.M.Shanthi Maheswari as PW-2. She is working as Assistant Professor in the Institute of Mental Health, Kilpauk, Chennai. She examined



Exs.P6 and P10 and identified them as having been issued by the SRTC, K.K.Nagar, Chennai. She had herself issued Ex.P6 and her colleague Dr.Sujatha had issued Ex.P10.

7.In view of the evidence and documents produced and on hearing the learned counsel for the petitioner, this Original Petition stands allowed. The petitioner is appointed as guardian of her two daughters R.Pavithra and R.Uthra with specific right to deal and sell their undivided 2/3rd share of the flat at Door No.6/39, Second Floor, Manju Apartments, Thiruvalluvar Street, Nesapakkam, K.K.Nagar West, Chennai – 600 078. On such sale, the petitioner must deposit the share of the two daughters in the sale consideration in two separate fixed deposits reflecting the individual shares of the two daughters in any nationalized bank, in which account, she can also be joined as an account holder. She can also utilize the interest amounts towards the medical treatment and medical expenses of the two daughters. If she wants to withdraw any principal amount, she may file necessary application before this Court, if need arises in future.

12.06.2024

smv



WEB COPY

4



C.V.KARTHIKEYAN,J.

smv

O.P.No.804 of 2023

12.06.2024