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O.P.No.251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 251 of 2023

V.Johnson

... Petitioner

PRAYER: Original Petition filed under Clause XVII of the Letters Patent Act, to appoint the petitioner as the guardian of person and manager of the property of Selvi Vino, daughter of late Nadesan, aged about 35 years who is suffering from mental illness and to permit the petitioner to sell the scheduled property for medical expenses of Selvi Vino.

For Petitioner : Mr.A.Saravanan

ORDER

The petition has been filed under Clause XVII of the Letters Patent Act, seeking to appoint the petitioner as a guardian of Selvi Vino, who is categorized as a mentally ill person. She is the niece of the petitioner. Her father Nadesan died intestate on 04.07.2020 and her mother Kasthuri Bai died earlier on 20.05.2011.

2. It is stated that she is residing with the petitioner. Since she is



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suffering from mental illness, the petitioner has filed this particular application seeking to appoint himself as guardian of this person and to manage her property. He also seeks permission to sell the scheduled property for her medical expenses.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined himself as P.W.1. He marked the death certificate and legal heirship certificate of Kasthuri Bai as Exs.P1 and P2 and the death certificate of Nadesan as Ex.P4. He also marked the documents relating to the disability certificate of Selvi Vino as Exs.P3 and P8. The document relating to the property was marked as Ex.P9. The petitioner also examined as P.W.2, Dr.T.Merolin Jaya Sheela, Civil Assistant Surgeon at the Institute of Mental Health, Kilpauk, who also examined the certificate/Ex.P8 and stated that Selvi Vino is affected by Schizophrenia which is a disease of mental illness and that the disease is of 80% and severe one and that she needs support for daily activities and she is in need of a guardian.



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4. Taking into consideration the evidences recorded and documents produced, this Original Petition stands allowed. If the petitioner seeks to dispose the property, then a separate petition may be filed before this Court giving details of the purchaser and the sale consideration and the manner in which the sale consideration is to be dealt with the petitioner. The petitioner is however appointed as guardian of the person and the property of Selvi Vino.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – V.Johnson

P.W.2 – Dr.T.Merolin Jaya Sheela

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original death certificate of Mrs.Kasthuri Bai.
Ex.P2	Photocopy of the legal heirship certificate of Mrs.Kasthuri Bai. (compared with the original).
Ex.P3	Photocopy of the proceedings of the Special Tahsildar,



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<i>Exhibits</i>	<i>Documents</i>
	Social Security Scheme, Agastheeswaram dated 08.12.2012 issued to Selvi Vino (compared with the original).
Ex.P4	Computer generated death certificate of Mr.Nadesan.
Ex.P5	Original letter dated 29.10.2021 given by me to Village Administrative Officer, Nagercoil South, Agastheeswaram Taluk, Kanyakumari District, which was returned to me with the endorsement of VAO.
Ex.P6	Endorsement made by VAO dated 29.10.2021 from Village Administrative Officer, Nagercoil South, Agastheeswaram Taluk, Kanyakumari District on the back side of Ex.P5.
Ex.P7	Photocopy of the certificate dated 29.10.2021 issued by Sub Inspector of Police, Kottar Police Station, Nagercoil addressed to me (compared with the original).
Ex.P8	Photocopy of the disability certificate dated 15.03.2022 issued by Civil Assistant Surgeon, Institute of Mental Health, Chennai to Vino Nadesan. (compared with the original).
Ex.P9	Photocopy of the sale deed dated 19.06.2008 in favour of Mr.C.Nadesan. (compared with the original).
Ex.P10	Photocopy of my Aadhaar Card (compared with the original).

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