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O.P.No.672 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2024**

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 672 of 2023

Lakshmi Venkatesan

... Petitioner

PRAYER: Original Petition filed under Clause XVII of the Letters Patent of 1865 to appoint Lakshmi Venkatesan, the petitioner herein, as the guardian of the person of the mentally ill person M.A.Lakshmi and manage her assets and liabilities, more fully set out in Schedule hereunder.

For Petitioner : M/s.Najeeb Usman Khan

ORDER

The petition has been filed under Clause XVII of the Letters Patent, seeking to appoint the petitioner as guardian of the person of M.Lakshmi @ M.A.Lakshmi who has been diagnosed with Schizophrenia and as 75% temporary disability in relation to her brain and also to manage her assets and liability which had been set out in the schedule to the petition.



O.P.No.672 of 2023

WEB COPY

2. The said M.Lakshmi @ M.A.Lakshmi is the daughter of N.Mahadevan, who died on 22.01.2023 and who had executed a Will dated 21.04.2022 registered as Document No.100 of 2022 in the office of the Sub Registrar, Gandhipuram, Coimbatore. In the said Will, the testator, N.Mahadevan had appointed the petitioner as the legal guardian to his daughter, M.Lakshmi @ M.A.Lakshmi. It is also stated that the petitioner is also related to N.Mahadevan. It is stated that therefore, she is interested in taking care of the well being of M.Lakshmi @ M.A.Lakshmi. She had further stated that there is no conflict of interest as against the said M.Lakshmi @ M.A.Lakshmi.

3. With respect to the property, it is stated that it was jointly owned by N.Mahadevan and his brother N.Subramanian and they had both taken a decision to develop the property and had entered a Joint Development Agreement with the builder. Under the said Will dated 21.04.2022, the share of N.Mahadevan had been bequeathed to M.Lakshmi @ M.A.Lakshmi. It is under those circumstances that this petition has been filed seeking to appoint the petitioner as guardian of



O.P.No.672 of 2023

M.Lakshmi @ M.A.Lakshmi and also to manage her assets and liabilities.

WEB COPY

4. After following due procedures, the petitioner was directed to tender evidence. She examined herself as P.W.1. The Will dated 21.04.2022 executed by N.Mahadevan was marked as Ex.P1 and his death certificate was marked as Ex.P2. Certificate issued by the Medical Authority at Bengaluru dated 04.04.2023 relating to M.Lakshmi @ M.A.Lakshmi was marked as Ex.P3. The Joint Development agreement dated 06.12.2021 was marked as Ex.P6. This Court had directed to tender some authentic evidence with respect to Ex.P3. Accordingly, the petitioner examined Dr.K.Amilthan who had examined M.Lakshmi @ M.A.Lakshmi on 06.04.2024 and had certified that she is suffering from schizophrenia. He also stated that he had examined her medical certificates. He had also stated that the nature in extent of disability specified in Ex.P3 correlates with her physical condition.



WEB COPY



O.P.No.672 of 2023

C.V.KARTHIKEYAN,J.

Gsa

5. Taking into consideration the nature of evidence recorded, the petition stands allowed. The petitioner is appointed as guardian for the person and properties of M.Lakshmi @ M.A.Lakshmi in accordance with rules.

25.04.2024

Index :Yes/No
gsa

O.P. No. 672 of 2023