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A.No.5502 of 2024
in
O.P.No.805 of 2023

Dr.G.JAYACHANDRAN, J.

This application is filed seeking amendment to the schedule in the petition in O.P.No.805 of 2023 filed for appointment of guardian in respect of person and property of the mentally retarded person by name S.Hemamalini. The consequential error crept in the decreetal order in respect of description of the boundary of the property. The petition filed for permission to sell 25% of the share in the schedule property owned by S.Hemamalini, mentally challenged person was allowed by this Court vide order dated 06.08.2024.

2. The petitioner has filed the present application to amend the description of the boundary of the property stating that the rectification deed to the settlement deed in favour of said S.Hemamalini was inadvertantly ignored and therefore, the error in describing the boundary has crept in.



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3. The perusal of the records including the petition filed seeking permission to sell the property by appointing the petitioner herein as guardian to S.Hemamalini discloses the following fact as per the petition.

The property described as below:

“Old No.64, New No.131, Sengahaneer Pillaiyar Koil Street (alias)
New Street, Mannady, Chennai-600 001.

North By : House No.130, Sengahaneer Pillaiyar Koil Street
South By : House No.131, Sengahaneer Pillaiyar Koil Street
East By : House No.7, Ramasamy Chetty Street
West By : Sengahaneer Pillaiyar Koil Street”

4. Apparantly both the northern and southern bountary of the property been shown as House No.130, Sengahaneer Pillaiyar Koil Street is not possible. This error been found only later after passing of the decree. Therefore, the present petition for amendment is filed relying upon rectification deed to the settlement deed through which the said S.Hemamalini derived right over the property as per the rectification deed. The property is described as below:-

“Old No.64, New No.131, Sengahaneer Pillaiyar Koil Street (alias)
New Street, Mannady, Chennai-600 001.



North By : House No.130, Sengahaneer Pillaiyar Koil Street
South By : Property settled to H.Radhika and H.Chandra
East By : House No.7, Ramasamy Chetty Street
West By : Sengahaneer Pillaiyar Koil Street (New Street)”

5. In the light of the above facts, the amendment sought is allowed. The petitioner is directed to carry out amendment in the schedule mentioned in the petition and file clean copy within a period of 7 days. Thereafter, the amended decreetal order to be drafted and issue to the petitioner on payment of necessary fees.

07.11.2024

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