



O.P. No. 846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

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THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 846 of 2023

Saroja Raman

... Petitioner

PRAYER: Original Petition filed for under Section XVII of the Letters Patent Act for appointment of Guardian, prays to appoint the petitioner as the guardian of the person and manager of properties of K.Vijayal, the mentally ill person above named, fix a sum of Rs.1,02,000/- only towards the monthly expenses of K.Vijayal out of her income and assets, permit the petitioner to utilise the amount required for the medical treatment and maintenance of K.Vijayal ad maintenance of her properties out of her income and assets, permit the petitioner to meet unexpected medical and other expenses of K.Vijayal out of her income and assets and permit the petitioner to invest the balance of the net income of K.Vijayal.

For Petitioner : Mrs. Hema Sampath (Senior Counsel)
for M/s.R.Meenal

ORDER

The Original Petition has been filed taking advantage of Clause XVII of the Letters Patent Act seeking appointment of the petitioner as guardian



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of her younger sister K.Vijayal who is a spinster and who is aged now 80 years old but unfortunately suffers from some mental illness and is incapable of looking after her securities and her properties. The petitioner is also of advanced age. She has two other brothers who are equally aged and they are residing in Mumbai and therefore, learned Senior Counsel states that it is the petitioner who would be the only person in a position to manage the affairs of her younger sister K.Vijayal. As a matter of fact, the younger sister was working in the Reserve Bank of India, but after she retired, she suffered from severe dementia. She is also possessed of flats where rents are received and quiet apart from that she also has deposits in the bank and also is receiving her pension from the Reserve Bank of India.

2. To speak more particularly about her physical and mental condition, the petitioner had also examined Dr.Vaishnavi as P.W.2 who is working in Sri T.S.Santhanam Centre for Elderly Care (Unit of SCARF). The learned Doctor had spoken about the Cognitive Impairment which is called Dementia, from which the younger sister of the petitioner unfortunately suffers. She had also been admitted to the hospital where P.W.2 is now working as medical profession. Even now, in intermittent periods, she has to be hospitalised. It is under those circumstances, the petition has been filed.



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3. The petitioner herself has been examined as P.W.1 and medical bills and other documents have also been produced as Exhibits. Learned Master has marked Exs.P1 to P18.

4. Taking into consideration all the circumstances, the petition is allowed and the petitioner is appointed as guardian not only of the affairs of the younger sister, but more importantly also of the properties. The petitioner will also have right to inform the tenants about this particular order which is passed and the tenants have a duty to acknowledge the petitioner as the person in-charge of the affairs as landlady who is entitled to ensure that if there is any breach in the terms of the tenancy, the petitioner would have right to proceed in manner known to law. No costs.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Saroja Raman

P.W.2 – Dr.Vaishnavi



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Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the medical certificate issued by Schiziphenia Research Foundation dated 09.03.2023 (compared with original).
Ex.P2	Original medical certificate of Ms.Vijayal K issued by Sri.T.S.Santhanam Centre for Elderly Care dated 20.10.2023. (compared with the original).
Ex.P3	Photocopy of Aadhaar card of K.Vijayal (compared with the original).
Ex.P4	Photocopy of the Pan card of K.Vijayal (Compared with the original).
Ex.P5	Photocopy of the sale deed dated 14.10.1999 executed in favour of Ms.K.Vijayal (Compared with the original).
Ex.P6	Photocopy of completion certificate dated 14.04.2000 issued by Ashwin Apartments to Ms.K.Vijayal (Compared with the original).
Ex.P7	Computer generated property tax receipt dated 22.06.2023 in respect of the petition property (Compared with the original).
Ex.P8	Downloaded printout of rental receipt for Rs.27,000/-.
Ex.P9	Downloaded printout of rental receipt for Rs.20,000/-.
Ex.P10	Photocopy of the savings bank passbook in State Bank of India in C.P.Ramasamy Road Branch held by Ms.K.Vijayal (Compared with the original).
Ex.P11	Photocopy of the savings bank passbook in Canara Bank in Chennai St Mary Road Branch held by Ms.K.Vijayal



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<i>Exhibits</i>	<i>Documents</i>
	(Compared with the original).
Ex.P12	Photocopy of the savings bank passbook in T.Nagar head post office held by Ms.K.Vijayal (Compared with the original).
Ex.P13	Online printout of IT returns acknowledgment of K.Vijayal for year 2022-2023.
Ex.P14	Online printout of tax information summary issued by IT department for the assessment year 2023-2024.
Ex.P15	Series (2 nos) Photocopies of the medical bills dated 05.12.2022 and 20.01.2023 of Ms.Vijayal (compared with original).
Ex.P16	Photocopy of my Aadhaar card (compared with original).
Ex.P17	Photocopy of my Pan card (compared with original).
Ex.P18	The photocopy of my hospital identification card (Dr.R.Vaishnavi) issued by SCARF. (original produced, compared and returned to the petitioner's counsel).

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