



O.P.No.179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.179 of 2025

S.Logapriya

... Petitioner

PRAYER: Original Petition filed under Clause XVII of Letters Patent Act 1865 praying for the following reliefs:-

a) appoint the petitioner S.Logapriya as Guardian of the person and manager of the properties of mentally ill person Mrs.D.Sridevi who is incapable of taking care of herself and managing the properties;

b) permit the petitioner to sell, covey, execute and register the vacant land situated in Survey No.116/2 (new survey No.116/62) in patta No.5101 to extent of 612 sq.ft., house with vacant land at Koladi village, Ambattur Taluk, Thiruvallur District, within the jurisdiction of SRO-II, Saidapet, Registration District south Madras.

c) permit the petitioner to deposit the part amount of Rs.2,00,000/- from sale proceeds in the name mentally ill person and permit the petitioner to withdraw the periodical interest and the balance amount of Rs.1,28,032/- for welfare of the mentally ill person sridevi.

d) to pass such other suitable or other orders as this Court deem fit and proper under the circumstances of the case.

For Petitioner : Ms.J.Shahidha



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ORDER

This petition is presented by the daughter of Mrs.D.Sridevi, who is said to be mentally retarded person. By this petition, the petitioner seeks to appoint her as the guardian of the person and manager of the properties of Mrs.D.Sridevi and permit the petitioner to sell the schedule mentioned property.

2.The petitioner states that Mrs.D.Sridevi was married to Subramani and gave birth to the two daughters including the petitioner. The said Subramani has deserted from the matrimonial life and the whereabouts is not known to the petitioner. The another daughter lives separately and the petitioner is the only daughter who is taking care of all the needs and necessity of Mrs.D.Sridevi. The petitioner only meets the regular treatment expenses of the mentally ill person, Mrs.D.Sridevi and provide her various other facilities needed for her regular and normal living. The subjected property was purchased by Mrs.D.Sridevi and she owns the property. The medical condition of Mrs.D.Sridevi is irreversible. The subject property approximately valued as Rs.3,28,032/-. The petitioner requires Rs.1,38,032/- to meet the



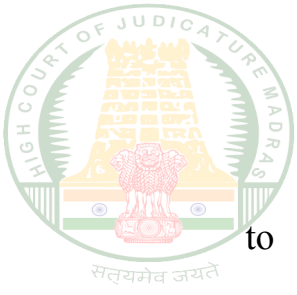
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immediately medical expenditure of the ward. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person and properties of Mrs.D.Sridevi and to permit the petitioner to sell the subjected property for the benefit of the ward.

3. The petitioner has examined herself as PW1. She has produced her birth certificate and the same was marked as Ex.P3, to substantiate that the petitioner is the daughter of the ward. The sale deed and the patta of the subject property as Ex.P1 and Ex.P2, to substantiate the title stands in the name of the ward. The medical certificate of the ward as Ex.P5, to show that the mental health condition of the ward is that she has 75% of disability. The consent affidavit has been given by the another daughter to appoint the petitioner as guardian and to permit her to sell the subjected property. The paper publication also made and no objection received from any person.

4. The learned counsel for the petitioner submits that the subject property was approximately valued as Rs.3,28,032/-. The petitioner is in need of money to meet the immediate medical expenditure of the ward and prayed to permit the petitioner to retain the sale consideration



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to a tune of Rs. 1,28,032/- for the medical treatment. Further, undertaken to deposit the balance amount in the name of the ward in any nationalised bank.

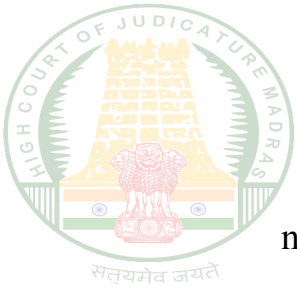
5. The assertions in the petition have been duly proved by adducing oral and documentary evidence. In these circumstances, the petitioner is entitled to the relief.

6. Accordingly, the original petition is allowed on the following terms;

(i) the petitioner is appointed as the guardian of the person and manager of the properties described in the schedule as regards to Mrs.D.Sridevi.

(ii) the petitioner is permitted to sell, convey, execute and register the property mentioned in the schedule of the petition to be made to benefit Mrs.D.Sridevi.

(iii) The petitioner is permitted to deposit the part amount of Rs.2,00,000/- from sale proceeds in the name of the ward in any



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nationalise bank and to withdraw the periodical interest and to utilize the same for the welfare of the ward. The petitioner is permitted to retain the balance amount of Rs.1,28,032/- to meet the immediate medical expenditure of Mrs.D.Sridevi.

(iv) the petitioner shall file an affidavit of compliance along with a statement of accounts in the registry.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No



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Petitioner's witness:

P.W.1 —Ms.S.Logapriya

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Sale Deed in favour of Mrs.D.Sridevi dated 29.09.2004 (Compared with original)
Ex.P2	Photocopy of the Patta Number 5101. (Compared with original)
Ex.P3	Photocopy of the birth certificate of the petitioner. (Compared with original)
Ex.P4	Photocopy of the Aadhaar Card of the petitioner. (Compared with original)
Ex.P5	Photocopy of the Medical Certificate of Mrs.T.Sridevi (Compared with original)
Ex.P6	Consent affidavit filed by other legal heir.

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