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O.P.No.179 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.179 of 2023

N.Sekar Babu

...Petitioner

PRAYER: Original Petition filed under Clause 17 of Letters Patent, prays:

(a) To appoint the petitioner as guardian of Mr.S.R.Balaji, the mentally ill person and as manager for the management of his assets;

(b) To permit the petitioner to act as manager to maintain with the immovable properties of the mentally ill person described in item II of the Schedule;

(b) (i) To permit petitioner to sell the Item-II of the schedule property and deposit the sale proceedings in one of the Nationalized bank account of the mentally ill. (Para 13(b)(i) added as per order dated 01.04.2024 in A.No.765 of 2024)

(c) To permit the petitioner to act as manager of the assets of the mentally ill person to operate the Pension account, the details of which is described in the item-I of the schedule.

For Petitioner : Mr.N.Nandhakumar
For Mr.Eswar Kumar & Rao



ORDER

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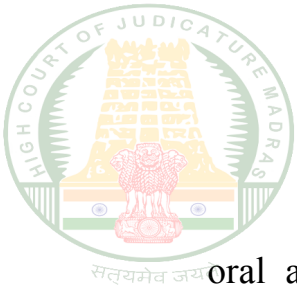
This petition is presented by the cousin brother of Mr.S.R.Balaji, who is said to be a mentally ill person and has a permanent hearing impairment. By this petition, the petitioner seeks to appoint him as the guardian of the person and the properties of Mr.S.R.Balaji.

2. The petitioner states that he is the son of the paternal aunt of the ward and the above said ward is the son of the Late.Mr.S.G.Ranaganathan and Late.Mrs.Vitto Bai. The petitioner states that the father of the ward was employed in the Madras Port Trust as Assistant Superintendent and he retired from the service on 28.02.1994 and was receiving pension until his death. After the death of Late.Mr.S.G.Ranganathan on 13.03.2015, his wife Late.Mrs.Vitto Bai was receiving the family pension. The Late.Mrs.Vitto Bai died on 18.06.2015, thereby making the ward Mr.S.R.Balaji entitled to receive the family pension as the son of Late.Mr.S.G.Ranganathan. The petitioner submits that the ward is absolutely entitled to the movable and immovable properties set out in the schedule, after the death of his parents. The petitioner further submits that above said ward has been suffering for the chronic Schizophrenia and permanent hearing impairment for more than 23



years. He states that the mental condition of the ward has been incurable in spite of undergoing various treatments. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person and properties of Mr.S.R.Balaji.

3. The petitioner has examined himself as PW1. He has produced eligibility cum evaluation report issued by the Vocational Rehabilitation Centre for Handicapped, Guindy as Ex.P1. The photocopy of the certificate issued by the Institute of Mental Health has been marked as Ex.P6. The computer generated death certificates of the parents of the ward Late.Mr.S.G.Ranganathan and Late.Mrs.Vitto Bai has been marked as Ex.P3 and Ex.P5. The legal heir certificate of Late.Mr.S.G.Ranganathan has been marked as Ex.P4. On perusal of the following, the Ex.P1 indicates the permanent disability of deafness and the Ex.P6 which clearly states the mental condition of the ward that he is suffering from schizophrenia, which proves that the ward is incapable of making his own livelihood and managing his assets. Ex.P4 would indicate that the ward is the only surviving legal heir of the deceased Late.Mr.S.G.Ranganathan, his wife having predeceased him.



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4. 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.

5. 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 Mr.S.R.Balaji.

(ii) The petitioner is permitted to act as the manager to maintain the property mentioned in the Item II of the schedule.

(iii) The petitioner is permitted to proceed with the sale of the property mentioned in the Item-II of the schedule and the sale proceedings is to be deposited in one of the nationalized bank account of the Ward.

(iv)The petitioner is permitted to act as the manager of the assets of the ward to operate the Pension account, which is more fully described in the Item-I of the schedule.

(v) The petitioner shall file an affidavit of compliance along



with a statement of accounts in the registry.

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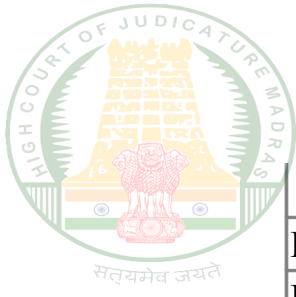
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.N.Sekar Babu

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the eligibility cum evaluation report issued by Dr.M.Ponnuswamy (Compared with the original)
Ex.P2	Photocopy of the ID Card of Mr.S.R.Balaji (Compared with the original)
Ex.P3	Computer generated death certificate of Mr.Ranganathan.
Ex.P4	Photocopy of the legal heirship certificate of Mr.Ranganathan (Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.R. Vitto Bai.
Ex.P6	Photocopy of the certificate issued by Institute of Mental Health for Mr.S.R.Balaji. (Compared with the original)
Ex.P7	Photocopy of the old age home payment receipt dated 26.10.2019(Compared with the original)
Ex.P8	Photocopy of the doctor's prescription dated 13.10.1998 (Compared with the original)
Ex.P9	Photocopy of the pension payment order bearing No.7555 in respect of Mr.S.G.Ranganathan(Compared with the original)
Ex.P10	Photocopy of the Aadhaar Card of Mr.S.R.Balaji



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	(Compared with the original)
Ex.P11	Photocopy of ID Card (Compared with the original)
Ex.P12	Computer generated copy of the encumbrance certificate dated 08.03.2023. (Compared with the original)
Ex.P13	Photocopy of the Aadhaar card of Mr.Narasimha Rao (Compared with the original)
Ex.P14	Computer generated death certificate of Mr.Narasimha Rao.(Compared with the original)
Ex.P15	Photocopy of the sale deed dated 14.12.2000 executed in favour of Mrs.Vitto Bai (Compared with the original)
Ex.P16	Declaration of willingness.

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