



O.P.No.471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.471 of 2024

N.V.Vijayalakshmi

... Petitioner

PRAYER: Original Petition filed for appointment of Guardian and Estate of mentally-ill person under Clause XVII of the Letters Patent of 1865 prayed a) to appoint the petitioner as guardian of the person of the mentally ill person; b) appoint the petitioner as the Manager of the properties of Ms.C.V.Akshaya described in the schedule and to manage the same; c) permit the petitioner to sell, convey, execute and register all such conveyance and instruments for disposing of the properties described in the schedule; and d) permit the petitioner to convey, execute and register in the sale deed in favour of Mr.Kalaiselvan Raghavan on behalf of Ms.C.V.Akshaya and permit the petitioner to receive consideration amount, and to spend the amount for the regular treatment expenses of the mentally ill person the C.V.Akshaya and (e) pass such other suitable.

For Petitioner : Mr.TN.Rajeshwaran

ORDER

This petition is presented by the mother of C.V.Akshaya, who is said



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to be mentally ill. By this petition, the petitioner seeks appointment as the guardian of the person and properties of C.V.Akshaya.

2. The petitioner states that the petitioner was married to one late K.B.Vijayaragghavan and gave birth to Ms.C.V.Akshaya, intellectually challenged person. The said K.B.Vijayaragghavan purchased the schedule mentioned property through document No.3575 of 2005 on 24.06.2005. The father of C.V.Akshaya and husband of the petitioner died on 31.10.2016, leaving the petitioner and C.V.Akshaya as his surviving legal heirs, and both of his parents predeceased their son. The petitioner who is the mother of C.V.Akshaya is taking care of her. The petitioner submits that Ms.C.V.Akshaya is mentally unsound since her birth and doctors declared, it is impossible to cure her insanity. Further, the sale of her shares in the schedule mentioned property belonging to the deceased father is required for her benefit. The petitioner has entered into agreement of sale dated 16.06.2024 for a sale consideration of Rs.60,00,000/- and received a sum of Rs.2,00,000/- as advance in respect of the schedule mentioned property. Therefore it is necessary to appoint the petitioner as the manager of the schedule mentioned property of the Ms.C.V.Akshaya.

3. The petitioner examined herself as PW1. She has produced the



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photocopy of the Unique Disability ID issued by the Central Government of India, compared with original as Exp9 and the certificate of Disability issued by the State Government of Tamilnadu, compared with original as Exp10. The death certificate of Late K.B.Vijayaragghavan and his parents, compared with the originals as Exp4, Exp12, Exp13. The legal heir certificate of the K.B.Vijayaragghavan compared with the original as Exp4. On perusal of the Exp13, it appears that the petitioner and C.V.Akshaya are alone the legal heirs of K.B.Vijayaragghavan.

4. The assertions in the petition have been duly proved by adducing deposition and supported by the 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 property of C.V.Akshaya.

(ii) the petitioner is permitted to sell, convey, execute and register all such conveyance and instruments for disposing of the schedule mentioned



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property and to receive consideration amount and to spend the amount for the regular treatment expenses of C.V.Akshaya.

(iii) upon complying the aforesaid Clauses, the petitioner shall file an affidavit of compliance in the registry.

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Gba

Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.N.Vijayalakshmi



Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the deed of absolute sale dated 24.06.2005. (Compared with original)
Ex.P2	Photocopy of the Encumbrance Certificate. (Compared with Original)
Ex.P3	Print out copy of the Death Certificate of Mr.K.B.Vijayaragghavan dated 20.02.2018 (compared with the original)
Ex.P4	Print out copy of the Legal Heirship Certificate of late Mr.K.B.Vijayaragghavan dated 28.03.2018.(Compared with the original)
Ex.P5	Photocopy of the petitioner's N.V.Vijayalakshmi's Aadhaar.(Compared with the original)
Ex.P6	Photocopy of the mentally disbaled child Ms.C.V.Akshaya's Aadhaar. (Compared with original)
Ex.P7	Photocopy of the petitioner V.Vijayalakshmi's name change.(Compared with the original)
Ex.P8	Photocopy of the B.Vijayaragghavan's name change Gazette (Compared with the original)
Ex.P9	Photocopy of the Unique Disability ID issued by the Central Government of India. (Compared with original)
Ex.P10	Photocopy of the Certificate of Disability issued by State Government of Tamilnadu. (Compared with original)
Ex.P11	Photocopy of the pass book issued by Government of Tamil Nadu. (Compared with original).
Ex.P12	Xerox copy of the Death Certificate of K.Balakrishnan dated 28.07.1999.
Ex.P13	Xerox copy of the Death Certificate of B.Dhanalakshmi, dated 05.06.2000.
Ex.P14	Original of the unregistered agreement of sale dated 16.06.2023.



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