



WEB COPY

O.P.No.346 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.03.2025**

CORAM

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

O.P.No.346 of 2024

D.Vijaya

...Petitioner

vs.

V.Divakaran

...Respondent

PRAYER: Original Petition filed under Clause XVII of the Letters Patent of 1865, praying to appoint Mrs.D.Vijaya, Wife of Mr.V.Divakaran, the petitioner herein, as the guardian of the person and manager of the properties of the mentally ill person Ms.D.Yuvashree and for operation of Bank account and sale of her assets and liabilities, morefully set out in Schedule “A”, “B” hereunder, which would be utilized for the welfare, benefit of the mentally ill person Ms.D.Yuvashree and thereby render justice.

For Petitioner : M/s.Mithreyi Kasthurirangan

For Respondent : Mr.D.Ganesh Raj

ORDER

This petition is presented by the mother and the natural guardian of D.Yuvashree, who is said to be mentally ill person with 90% disability. By this petition, the petitioner seeks to appoint her as the guardian of the person



and the properties of D.Yuvashree.

WEB COPY

2. The petitioner and the respondent Mr.V.Divakaran got married and gave birth to D.Yuvashree who was born normal but later her health conditions got exacerbated leaving her as a mentally ill person. The said Ms.D.Yuvashree is been taken care of by her parents. Due care has been taken of Ms.D.Yuvashree right from engaging an attender for her services to taking of the medicines and other medical supplements. The petitioner submits that Ms.D.Yuvashree was diagnosed with Progressive Neurodegenerative Disorder (HalleVorden Spatz Syndrome) since 2016 and was assessed with 90% disability in 2017. Therefore, it is necessary to appoint the petitioner herein as the manager of the person and the properties of the mentally ill person Ms.D.Yuvashree .

3. The petitioner has examined herself as PW1. She has produced a photocopy of the Disability Certificate of Ms. D.Yuvashree and the photocopy of the passbook issued by the District Differently Abled Welfare Office as Exp3 (series 2.Nos). The photocopy of the disabled person identity card issued by the Government of India (it has been marked as issued by the



Government of Tamil Nadu) as ExP4.

WEB COPY

4. In the Exhibit Ex.P3 the father of the above said mentally ill person Ms.D.Yuvashree is mentioned as Mr.V.Divakaran the respondent. From the photocopy of the Sale Deed Ex.P2, it can be inferred that the petitioner is the wife of the respondent and from the photocopy of Sale Deed as Ex.P1 its clear that the petitioner mother of above said Ms.D.Yuvashree. The evidence of the respondent has been marked as RW1.

5. The senior resident Dr.K.Premalatha from Madras Medical College, K.K.Nagar Chennai, who issued the disability certificate Ex.P2 is examined as PW2.

6. 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.

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



WEB COPY

O.P.No.346 of



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

(ii) The petitioner is permitted to operate the bank accounts and proceed with the sale of the properties in Schedule “A” and “B” to be made to benefit D.Yuvashree.

(iii) The guardian is at the liberty to raise funds by selling properties mentioned in the schedule “A” and “B” of the petition and utilise the said sum for the medical expenses and welfare of D.Yuvashree.

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

10.03.2025

kak

Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.D.Vijaya

P.W.2 – Dr.K.Premalatha

Documents exhibited by the petitioners:



<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 25.02.2010 executed in my favour (Compared with the original)
Ex.P2	Photocopy of the sale deed dated 15.12.2010 executed in favour of Master D.Vignesh and Selvi.D.Yuvashree (Compared with the original)
Ex.P3	(Series 2 Nos) are the photocopies of the disability certificate of Selvi.Yuvashree and passbook issued by District Differently Abled Welfare Office, Government of Tamilnadu (Compared with the originals)
Ex.P4	Photocopy of the disabled person identity card issued by the District Differently Abled Welfare Office, Government of Tamil Nadu (Compared with the original).
Ex.P5	Photocopy of the Indian Bank passbook bearing A/c.No.6058825160 held by Selvi. Yuvashree (Compared with the original).
Ex.P6	My declaration of willingness.

Respondent's witness:

R.W.1 – Mr.V.Divakaran

10.03.2025

kak

K.KUMARESH BABU, J.

kak



WEB COPY

O.P.No.346 of



O.P.No.346 of 2024

10.03.2025