



O.P. No.344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.344 of 2025

V. Meera W/o. C. Venkatavaradhan

... Petitioner

PRAYER: Original Petition is filed under Clause 17 of Letters Patent praying to appoint the petitioner as the guardian of the person and Manager of the property of mentally ill person C. Venkatavaradhan, to permit the petitioner to enter into a construction agreement with the proposed builder for the schedule mentioned properties for 272.5 sq. ft. of undivided share being 50% share out of 545 sq. ft. and to permit the petitioner to sell 50% share of C. Venkatavaradhan in the schedule property and utilize the sale proceeds for the welfare of the mentally ill person.

For Petitioner : Mr.M. Aloysius Raja Pragash



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ORDER

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This petition has been filed under Clause 17 of Letters Patent to declare the petitioner as the guardian of the person and property of her husband Mr. C. Venkatavaradhan, who is a mentally ill person, to grant permission to the petitioner to sell her husband's undivided share in the petition-mentioned properties for the purpose of utilizing the sale proceeds for the welfare of the mentally ill person..

2. According to the petitioner, her husband Mr. C. Venkatavaradhan is suffering from mental illness for a long time and he is under treatment. Her father-in-law Mr. Chakravarthi died on 06.12.1999 leaving behind his son Venkatavaradan and daughter Janaki Srinivasan and he owned a flat at Door No.8, Rangier Street, T.Nagar, Chennai. The said flat is an old flat and is in dilapidated condition. Therefore, all the flat owners have decided to demolish the old building and to reconstruct a new building. The petitioner's husband



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C. Venkatavaradhan, who is one of the legal heirs to succeed the estate of the

said Mr. Chakravarthi, is incapable of taking any decision due to his mental

health condition. The petitioner, as the wife of said Mr. C. Venkatavaradhan,

would be the only person in a position to manage the affairs of her husband.

Therefore, the petitioner has come forward to enter into an agreement with

builder along with other flat owners in order to reconstruct the building and to

sell the petition-mentioned property i.e., 50% undivided share in the best

interest of her mentally ill husband. The petitioner is a fit and proper person

to be a guardian of her husband. Therefore, the petitioner has filed this

petition seeking permission to appoint herself as guardian for the person and

property of her husband namely Mr. C. Venkatavaradhan and to enter into a

Construction agreement with the builder and to grant permission to sell her

husband's 1/2 undivided share in the petition-mentioned property and to

utilize the sale proceeds for the well being of the mentally ill person.

3. After filing of this petition, paper publication was effected and no

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any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.10 were marked.

4. This Court also perused the evidence and the entire records.

5. The petitioner herself was examined as PW1 and ten documents have been marked. From the oral and documentary evidences, it is clear that C.Venkatavaradhan and his sister are the legal heirs to succeed estate of one Mr. V. Charavarthy. PW1 has deposed that her husband Mr. C. Venkatavaradhan is suffering from Chronic Schizophrenia and he cannot take any decision and act himself. To prove the medical condition of the said Mr. C. Venkatavaradhan, the petitioner has produced Ex.P.7, Certificate of disability, from which, it is clear that the petitioner's husband is affected by 55% mental illness. He is under the care and custody of the petitioner. The parents of said C. Venkatavaradhan are no more and the

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petitioner being the wife, is the only care-taker of him and she has no any

adverse interest against her husband and therefore, she can be appointed as

guardian for the person and property of her husband in his best interest.

Further, as the property mentioned in Schedule, belonged to the deceased

father of the petitioner's husband, is in a dilapidated condition, the petitioner

has decided to enter into a construction agreement to reconstruct the flat and

to sell the 50% undivided share over said property in order to raise funds for

the future maintenance and interest of her husband. Therefore, in view of the

above, the petitioner is entitled to be appointed as guardian and to sell the

property for the interest of mentally ill person.

6. In view of the above said observations, this **original petition is allowed on the following terms:**

(i) The petitioner is appointed as a 'guardian' of the person and property of her husband namely Mr. C. Venkatavaradhan, aged about 58

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years.

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(ii) The petitioner is permitted to enter into a Construction agreement with the proposed builder for the schedule mentioned property for 272.5 sq. ft. of undivided share, being 50% share out of 545 sq. ft. and also permitted to sell the share of her husband in the property described in the schedule and utilize the same for the well-being of the mentally ill person Mr. C. Venkatavaradhan.

(iii) Upon complying with the above directions, an affidavit of compliance shall be filed in the Registry.

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Index : Yes/No
Speaking Order : Yes/No
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APPENDIX:

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List of Petitioner side Witnesses:

PW1 : Mrs. V.Meera

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	15.05.1981	Online print out of Sale Deed in Doc. No.1215/1981.
Ex.P.2	20.05.1981	Online printout of Sale Deed in Doc. No.1330/1981.
Ex.P.3	10.11.1982	Online printout of Sale Deed in Doc. No.1958/1982
Ex.P.4.	06.12.1999	Online printout of the Death Certificate of V. Chakravarthy.
Ex.P.5	05.07.2023	Online printout of the Legal Heir Certificate of V. Chakravarthy.
Ex.P.6	28.11.2018	Photocopy of the Proof of Death Certificate of Jayalakshmi Chakravarthy.
Ex.P.7	11.04.2025	Photocopy of the Medical Certificate related to disability of C. Venkata Varadhan.
Ex.P.8	-	Photocopy of the Aadhar Card of C. Venkata Varadhan.
Ex.P.9	-	Photocopy of the Aadhar Card of PW1.
Ex.P.10	30.08.2024	Photocopy of the Non-Traceable Certificate issue by the Inspector of Police,



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R1 Mambalam Police Station [Crime].

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