



WEB COPY

O.P.No.590 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.04.2025**

CORAM

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

O.P.No.590 of 2024

1.N.P.Mangalakshmi
2.N.P.Sridhar
3.N.P.Vijayalakshmi
4.N.P.Bhuvaneswari
5.N.P.Padmanabhan
...Petitioners

PRAYER: Original Petition filed under Clause XVII of Letters Patent of 1865, praying that this Hon'ble Court may kindly be pleased to appoint Mrs.N.P.Vijayalakshmi, D/o.N.Ponnuswami, the 3rd petitioner herein as the Guardian of the person and manager of the properties of the mentally retarded person Miss.N.P.Saraswathi and for operation and sale of her assets and liabilities more fully set out in the schedule of property.

For Petitioners : Mr.B.Govinda prabhu

ORDER

This petition is presented by the mother and siblings of Ms.N.P.Saraswathi, who is said to be mentally retarded person. By this



petition, the petitioners seek to appoint the third petitioner as the guardian of the person and the properties of Ms.N.P.Saraswathi.

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2. The petitioners hereby state that petitioners 2 to 5 along with the above mentioned ward Ms.N.P.Saraswathi are the children of the Late.Mr.N.P.Ponnusami and the first petitioner. The petitioners submit that the Late.Mr.N.P.Ponnusami was the absolute owner of the said property mentioned in the schedule which he had purchased through the registered deed of Sale dated 17.05.2000. The said Late.Mr.N.P.Ponnusami died on 10.07.2013 and thereby the ownership of said property became vested upon his legal heirs. The petitioners hereby submit that Ms.N.P.Saraswathi who is one of the legal heirs of Late.Mr.N.Ponnusami is a mentally retarded person, she is entitled to her part of share in the said property. The petitioners state that they have been taking care of the above said ward Ms.N.P.Saraswathi by providing necessary medical treatment. The petitioners further submit that due to the financial crisis and to meet out the medical expenses of the said ward and 1st respondent, the petitioners entered into a unregistered Sale agreement dated 23.05.2024. Therefore, it is necessary to appoint the third

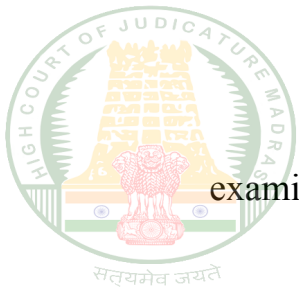


petitioner herein as the manager of the properties of the person and properties of the ward Ms.N.P.Saraswathi.

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3. The third petitioner has examined herself as PW1. She has produced a photocopy of the certificate of Disability issued by the Institute of Mental Health, Kilpauk to exhibit the mental condition of Ms.N.P.Saraswathi as Ex.P12. The death certificate of Late.Mr.N.Ponnusami has been marked as Ex.P3. The photocopy of the Sale Agreement dated 23.05.2024 entered between legal heirs of the Late.Mr.N.Ponnusami as sellers and Ms.D.Neskala and Mr.D.Vinoth as the buyers has been marked as Ex.P6. From Ex.P12 it can deduced that the said Ward Ms.N.P.Saraswathi has been diagnosed with a severe intellectual disability rendering her incapable of taking care of herself and her assets. Further on perusal of chief examination of PW1, she deposed as her sister, ward is mentally retarded. In this interest of justice, this court considers the deposition of PW1 coupled with Ex.P12 as a valid evidence to prove the disability.

4. Ms.D.Neskala the proposed purchaser of the property had been



examined as PW2 and have filed her proof affidavit.

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

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

- (i) The third petitioner is hereby appointed as the guardian of the person and manager of the properties described in the schedule as regards to Ms.N.P.Saraswathi.
- (ii) The third petitioner is permitted to proceed with the sale of the share held by the ward in schedule property to be made to benefit Ms.N.P.Saraswathi.
- (iii) The guardian is at liberty to raise funds by selling property mentioned in the schedule of the petition and utilise the said sum for medical purposes and welfare of Ms.N.P.Saraswathi.



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

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Index :Yes/No

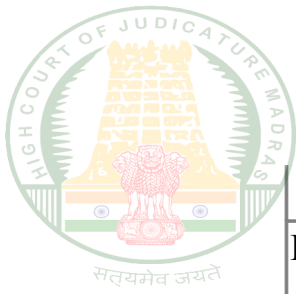
Petitioner's witness:

P.W.1 – Mrs.N.P.Vijayalakshmi

P.W.2 – Mr.D.Neskala

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed dated 17.05.2000 executed in favour of Mr.Ponnusamy. (Compared with the original)
Ex.P2	Computer generated property tax receipt dated 21.03.2013 standing in the name of Mr.N.Ponnuswamy.
Ex.P3	Computer generated death certificate of Mr.N.Ponnuswami.
Ex.P4	Computer generated property tax receipt dated 22.05.2019 standing in the name of Mr.N.Ponnuswamy.
Ex.P5	Online printout of Chennai Metro Water receipt standing in the name of Mr.N.Ponnuswamy.
Ex.P6	Photocopy of the sale agreement dated 23.05.2024 entered between the legal heirs of the deceased Mr.N.Ponnuswami as the seller and Ms.D.Neskala and Mr.D.Vinoth as the



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	buyer (Compared with the original)
Ex.P7	Photocopy of Aadhar card of Ms.Saraswathi (Compared with the original)
Ex.P8	Photocopy of the Family card of the 1 st petitioner (Compared with the original)
Ex.P9	Photocopy of Aadhar card (Compared with the original)
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Photocopy of Aadhar Card (Compared with the original)

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