



WEB COPY

O.P.No.759 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.02.2025**

CORAM

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

O.P.No.759 of 2024

S.Visalatchi

...Petitioner

vs.

NIL

...Respondent

PRAYER: Original Petition filed under Clause 17 of the Letters Patent Act, 1865, prays that this Hon'ble Court may be pleased to appoint the petitioner as the Manager of the properties of the mentally disorder person and permit the petitioner to manage and sell the schedule mentioned estate and assets of her husband namely R.Sivakumar, S/o.Ramalingam aged about 49 years residing at No.78/10A Vasantham Avenue, Vanapadi Road, Ranipet, Ranipet District who is declared as an insane person by the competent authority.

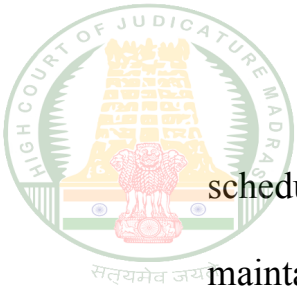
For Petitioner : Mr.T.P.Prabakaran

**ORDER**

WEB COPY

This petition is presented by the wife of Mr.R.Sivakumar, who is said to be mentally ill. By this petition, the petitioner seeks to appointment her as the guardian of the person and the properties of Mr.R.Sivakumar.

2. The petitioner states that Mr.R.Sivakumar had sustained severe head injury in an accident on 12.01.2009 and he lost his memory. The Vellore Medical College and Hospital, Vellore examined on 24.10.2020 and diagnosed him with 90% intellectual disability. The Mental health review board Tirupattur and Ranipet Districts at Vellore in Petition No.10/2023 vide order dated 12.10.2023 gave a finding that Mr.R.Sivakumar has been under “Traumatic Brain Injury” with cognitine dysfunction and locomotor dysfunction and nominated the petitioner as representative of Mr.R.Sivakumar. The petitioner has been feeding him and giving him timely medical attention as his wife. The petitioner submits that Mr.R.Sivakumar is mentally ill since the untoward incident and doctors declared as it is impossible to cure his insanity. Therefore, it is necessary to appoint the petitioner herein as the manager of the properties of the person and properties of Mr.R.Sivakumar. The petitioner had approached Principal District Judge Vellore through a petition to grant her authority to maintain and develop the



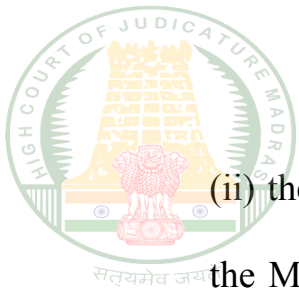
schedule mentioned properties. The said petition was returned on maintainability. Hence, this petition.

WEB COPY

3. The petitioner is examined as PW1. She has produced a photocopy of a disability certificate issued by Government Medical College, Vellore, compared with the original to exhibit the mental condition of Mr.R.Sivakumar as Ex.P3. The photocopy of the order dated 12.10.2023 passed by the Mental Health Review Board at Vellore compared with the original as Ex.P4. The declaration of willingness to act as guardian as Ex.P7. The Aadhar card of the petitioner as Ex.P2, shows the relationship between the petitioner and Mr.R.Sivakumar.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. 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 the Mr.R.Sivakumar.



(ii) the petitioner is permitted to proceed with the sale to be made to benefit the Mr.R.Sivakumar for operation and sale of his assets and liabilities more fully set out in the schedule of property in the petition.

(iii) The guardian is at the 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 the Mr.R.Sivakumar.

(iv) upon completing the aforesaid order, the petitioner shall file an affidavit of compliance along with a statement of accounts in the registry.

17.02.2025

kak

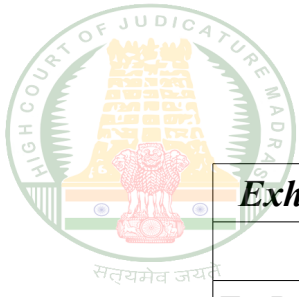
Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.Visalatchi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Aadhaar Card of Mr.R.Sivakumar (Compared with the original)
Ex.P2	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P3	Photocopy of the disability certificate of Mr.R.Sivakumar issued by Government Medical College, Vellore (Compared with the original)
Ex.P4	Photocopy of the order dated 12.10.2023 in MHRB Petition No.10/2023 passed by the Mental Health Review Board at



WEB COPY

O.P.No.759 of



<i>Exhibits</i>	<i>Documents</i>
	Vellore (Compared with the original)
Ex.P5	Photocopy of the sale deed dated 10.12.2008 executed in favour of 1.Mr.P.Thangaraj, 2.Mr.R.Sivakumar, 3.Mr.N.Manivannan (Compared with the original)
Ex.P6	Photocopy of the settlement deed dated 06.11.2008 executed in favour of Mr.R.Sivakumar (Compared with the original)
Ex.P7	My declaration of willingness to act as guardian.

17.02.2025

kak



WEB COPY



O.P.No.759 of

K.KUMARESH BABU,J.

kak

O.P.No.759 of 2024

17.02.2025