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O.P.No.139 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2025**

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

O.P.No.139 of 2025

N.Jayasri

...Petitioner

PRAYER: Original Petition filed under Clause XVII of Letters Patent 1865 to a) appoint Mrs.N.Jayasri, wife of Late.Nagarajan, the petitioner herein as Guardian of the person and manager of the properties of N.Kumaaraguru, the intellectually disable person; b) permit the petitioner to sell, convey, execute and register all such conveyance and instruments for disposing of his respective share of the property more fully described in the schedule hereunder; c) permit the petitioner to deposit the sale proceeds in the Nationalized Bank in the name of N.Kumaaraguru and to expend the same for the welfare and medical expenses of the said person.

For Petitioner : Mr.R.Murugesan

ORDER

This petition is presented by the mother of Mr.N.Kumaaraguru, who is said to be intellectually disabled person. By this petition, the petitioner seeks



to appoint her as the guardian of the person and the properties of the ward
Mr.N.Kumaaraguru.

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2. The petitioner states that she got married to one Mr.S.Nagarajan and had begotten the above said ward Mr.N.Kumaaraguru as her son. She also states that her husband Mr.S.Nagarajan was married to one Mrs.Komalam as his first wife and their marriage was subsequently dissolved by H.M.O.P.No.63/2000 before the Sub Court of Poonamallee. The petitioner submits that the grandfather of the Ward and her father-in-law Late Mr.R.Sankararaman had purchased the property vide Sale Deed dated 27.10.1965 registered as Document No.3929 of 1965 before the SRO of Tambaram, in which the Ward Mr.Kumaaraguru is entitled to 1/4th share of the immovable property which is described as Item.No.I in the schedule of the petition. The petitioner further submits that her husband and the father of the Ward Late Mr. S.Nagarajan had purchased an immovable property vide a Sale Deed dated 09.09.1998 registered as Document No.1986 of 1998 in SRO, Alandur, in which the Ward as the son and legal heir of the Late Mr.S.Nagarajan is entitled to 1/2th share in the immovable property which is



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more fully described as Item No.II in the schedule of the petition. The petitioner contends that her son and the ward Mr.N.Kumaaraguru has been diagnosed to be suffering from an intellectual disability of 50%, which has rendered him incapable of taking care of both himself and his share of properties. Therefore, it is necessary to appoint the petitioner herein as the manager of the person and properties of the ward Mr.N.Kumaaraguru.

3. The petitioner has examined herself as PW1, she had produced 8 documents to support her deposition which are listed as Ex.P1 to Ex.P8 at the foot of the order. She has produced the photocopy of the Sale Deed dated 27.10.1965 which is executed in favour Late Mr.R.Sankararaman, registered as Document No.3929/1965 in SRO, Tambaram as Ex.P1. The photocopy of the Sale Deed dated 09.09.1998 which is executed in favour of Late Mr.S.Nagarajan and registered as Document No.1986/1998 before SRO, Alandur has been marked as Ex.P2. The photocopy of the legal heirship certificate of the Late Mr.S.Nagarajan has been marked as Ex.P4. The photocopies of the legal heirship certificates of Late.Mr.R.Sankararaman and his wife Late.Mrs.Saraswathy has been marked as Ex.P2 and Ex.P5 respectively. The photocopy of the Disability certificate of the ward



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Mr.Kumaaraguru has been marked as Ex.P6. The perusal of Ex.P6 proves that the Ward Mr.Kumaaraguru has been suffering from an intellectual disability of 50%. The collective perusal of the Ex.P4 and Ex.P2 substantiates the claims made in the petition, that the Ward Mr.Kumaaraguru is entitled to the shares in the immovable properties which are morefully described as Item No.I and Item No.II in the schedule of the petition. The general paper publication has been effected and no objections had been received for the same.

4. 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.

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 to Mr.N.Kumaaraguru.

(ii) The appointed guardian is permitted to sell, convey, execute and



register all such conveyance and instruments for disposing the ward's share of the properties which are more fully described in the Schedule of the petition.

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(iii) The petitioner is directed to deposit the sale proceeds from the ward's share to any Nationalised Banks in the ward Mr.Kumaaraguru's name and expend the same for the welfare and medical expenses of the ward.

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

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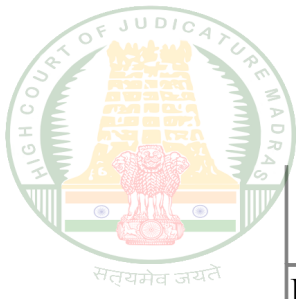
Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.Jayasri

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed executed by T.V.G.Krishna Reddy and others in favour of R.Sankararaman, as per Document No.3929/1965 before SRO Tambaram dated 27.10.1965.
Ex.P2	Photocopy of the Legal Heirship Certificate of Late.R.Sankara Raman dated 29.04.1989.
Ex.P3	Photocopy of the Sale Deed executed by R.Balakrishnan in



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	favour of S.Nagarajan as per document No.1986/1998 before SRO, Alandur dated 09.09.1998.
Ex.P4	Photocopy of the Legal Heirship Certificate of Late.S.Nagarajan dated 03.04.2013.
Ex.P5	Photocopy of the Legal Heirship Certificate of Late.Saraswathy dated 14.05.2019.
Ex.P6	Photocopy of Disability certificate of Kumaraguru dated 16.12.2022.
Ex.P7	Photocopy of Aadhaar Card of N.Kumaraguru.
Ex.P8	Photocopy of Aadhaar card of N.Jayasri.

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