



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 484 of 2025

V. Sudha
W/o. Varadharajan,
No.13, Old Jeevanatham Kumaran Nagar,
Kamaraj Nagar, Avadi,
Chennai 600 071.

..Petitioner

PRAYER:

This Original Petition is filed under Clause 17 of Letters Patent 1865, praying to a) Appoint and declare the petitioner as guardian of the person and manager of the properties of the mentally ill person Ms.Swetha. V. b) Permit the petitioner to sell the property inherited by mentally ill person Ms.Swetha. V 1/3 share in schedule mentioned hereunder for the ensure her welfare and medical treatment. c) Deposit the sale proceed of the mentally ill person Ms.Swetha. V 1/3 share in any of the nationalized bank and the accrued interest shall be withdrawn from time to time only for the medical treatment, maintenance and welfare of Ms. Swetha. V.

For Petitioner(s):

M/s.S. Kumarsankar



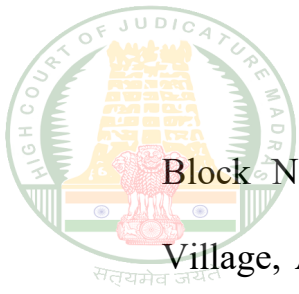
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ORDER

This petition has been filed by the petitioner, the mother of one Ms. Swetha.V, seeking appointment as the guardian of Swetha.V and the manager of the properties of her daughter, who is a mentally ill person, and for permission to sell her daughter's one-third share in the family property for her welfare.

2. The case of the petitioner is that she is the mother of Ms. Swetha.V, born on 30.03.2003, who has been mentally ill from birth and is incapable of managing her person, property or affairs. The petitioner and her late husband, Varadharajan, had two children, namely, Sundeep and Ms. Swetha.V. The petitioner's husband, Varadharajan, died on 30.12.2020, leaving behind the petitioner, their son Sundeep and their daughter Ms. Swetha.V as his legal heirs.

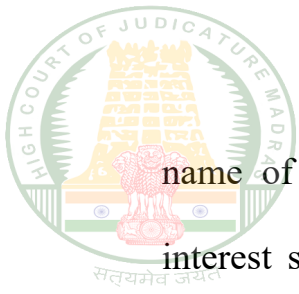
3. The petitioner states that her deceased husband left behind the schedule mentioned property, which devolved upon his legal heirs, including Ms. Swetha.V. According to the petitioner, Ms. Swetha.V is entitled to an undivided 1/3rd share in the said property. The schedule property is stated to be vacant land comprised in Grama Natham Survey No.712/9, T.S.No.39, Ward No.1,



Block No.68, Kovarthanagiri Extension, Pillayar Kovil Street, Paruthipattu Village, Avadi, Thiruvallur District. The approximate value of the property is stated as Rs.35,36,000/-, and the value of the 1/3rd share of Ms. Swetha.V is stated as Rs.11,78,666/-.

4. It is further stated that Ms. Swetha.V has been living with the petitioner and her brother Sundeep, and that the petitioner has been taking care of her and attending to her medical and personal needs. Since Ms. Swetha.V is unable to manage her affairs on account of her mental condition, the petitioner seeks to be appointed as guardian of her person and manager of her properties. The petitioner states that no guardian has so far been appointed for Ms. Swetha.V and no application concerning her guardianship has been filed before any other Court.

5. The petitioner further states that she is in need of funds for the medical expenses, maintenance, welfare and proper care of Ms. Swetha.V. Hence, she proposes to sell the schedule property to a bona fide third-party purchaser, namely, Mr. Venkatesan.S, for a sale consideration of Rs.36,50,000/-. It is stated that the sale will be completed only after obtaining permission from this Court. The petitioner has also undertaken that the sale proceeds representing the 1/3rd share of Ms. Swetha.V shall be deposited in a nationalised bank in the

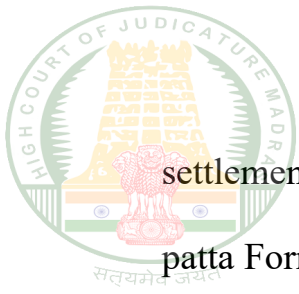


name of Ms. Swetha.V, represented by her guardian, and that the accrued interest shall be withdrawn only for her medical treatment, maintenance and welfare, subject to the directions of this Court.

6. The petitioner's son, Mr. Sundeep.V, the only other heir, has filed an affidavit stating that he has no objection to the petitioner being appointed as guardian and to the sale of his sister's share for her welfare.

7. Pursuant to the directions of this Court, general paper publication was effected in the Tamil daily “Makkal Kural” and the English daily “Trinity Mirror”, both dated 05.01.2026, calling upon any person interested to raise objection. No person came forward to object.

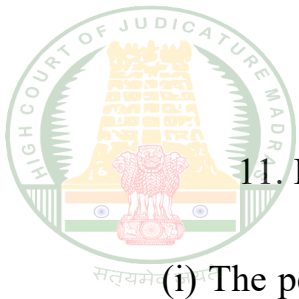
8. The petitioner V. Sudha, examined herself as PW1 before the master and marked Exs.P1 to P13. Ex.P1 is the photocopy of the Unique Disability ID Card of Ms. Swetha.V. Ex.P2 is the photocopy of the Aadhaar Card of P.W.1. Ex.P3 is the photocopy of the Aadhaar Card of Mr. Sundeep.V. Ex.P4 is the photocopy of the Aadhaar Card of Ms. Swetha. Ex.P5 is the computer-generated death certificate of late N. Varadharajan. Ex.P6 is the computer-generated legal heirship certificate of late N. Varadharajan. Ex.P7 is the photocopy of the



settlement deed dated 26.04.2018. Ex.P8 is the photocopy of the provisional patta Form-4 dated 27.09.2018 in S.R.No.997 of 2018. Ex.P9 is the downloaded copy of the encumbrance certificate dated 29.03.2025. Ex.P10 is the copy of the paper publication effected in one issue of the Tamil daily “Makkal Kural” dated 05.01.2026. Ex.P11 is the copy of the paper publication effected in one issue of the English daily “Trinity Mirror” dated 05.01.2026. Ex.P12 is the declaration of willingness. Ex.P13 is the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam.

9. Heard the learned counsel for the petitioner and perused the records.

10. On a consideration of the pleadings and evidence, this court satisfied that Ms. Swetha.V is a mentally ill person, incapable of managing herself or her affairs, as borne out by Ex.P1 the Unique Disability ID Card of Ms. Swetha.V issued by the Government of India which shows the 85 % of disability ; that her father is dead and her mother, the petitioner, is her natural guardian and caregiver; that the only other heir, the son, given the consents; that public notice was given and drew no objection; and that the petitioner is a fit and proper person, willing to act. The appointment of the petitioner as guardian is therefore necessary and is allowed. On the facts of this case, the proposed sale appears to be beneficial to the ward.



11. In the result, the Original Petition is ordered as follows :

(i) The petitioner, Mrs. V. Sudha, is appointed as the guardian of the person of her daughter, Ms. Swetha.V, and as the manager of her properties, limited to the ward's undivided 1/3rd share in the schedule property.

(ii) The petitioner is permitted to sell the undivided 1/3rd share of Ms. Swetha.V in the schedule property within a period of three months from the date of receipt of a copy of this order, for a consideration not less than Rs.11,78,666/- or the prevailing guideline/market value, whichever is higher.

(iii) The petitioner shall not execute or register the sale deed unless the entire sale consideration payable towards the ward's undivided 1/3rd share is received by demand draft, banker's cheque, account transfer, or any other traceable banking mode.

(iv) The entire sale consideration representing the share of Ms. Swetha.V shall be deposited in her name in a nationalised bank in an interest-bearing fixed deposit.

(v) The fixed deposit shall not be prematurely closed, pledged, assigned or encumbered without leave of this Court.

(vi) The petitioner may withdraw only the periodical interest from the fixed deposit. Such interest shall be used only for the maintenance, medical care, residence, food, clothing and welfare of Ms. Swetha.V.

(vii) Within four weeks from the date of registration of the sale deed, the



petitioner shall file into Court a memo enclosing a copy of the registered sale deed and proof of deposit of the entire sale consideration representing the ward's share.

(viii) The permission granted by this order is confined only to the undivided 1/3rd share of Ms. Swetha.V in the schedule property. It shall not be treated as permission to deal with any other property or asset of the ward.

(ix) There shall be no order as to costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

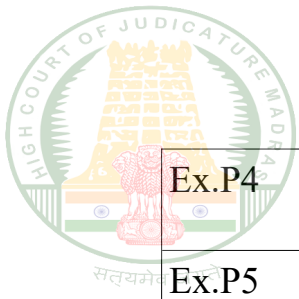
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Petitioner's witness:

P.W.1 – Mrs.V.Sudha

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Unique Disability ID Card of Ms.Swetha.V
Ex.P2	Photocopy of petitioner Mrs.V.Sudha Aadhaar Card
Ex.P3	Photocopy of the Aadhaar Card of Mr.Sundeep.V



Ex.P4	Photocopy of the Aadhaar Card of Ms.Swetha
Ex.P5	Computer generated death certificate of (Late).N.Varadharajan
Ex.P6	Computer generated legal heirship certificate of (Late) N.Varadharajan
Ex.P7	Photocopy of the settlement deed dated 26.04.2018
Ex.P8	Photocopy of the provisional patta Form-4 dated 27.09.2018 in SR No.997 of 2018
Ex.P9	Downloaded copy of the encumbrance certificate dated 29.03.2025
Ex.P10	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 05.01.2026
Ex.P11	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 05.01.2026
Ex.P12	Declaration of willingness
Ex.P13	Certificate under Section 63(4)© of BSA

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DR.A.D.MARIA CLETE, J.

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