



WEB COPY

OP No. 402 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 402 of 2025

1. R. Ambika
W/o. Ramamurthy,
No.73/32/1, Pillayar Koil Street,
Triplicane, Chennai
2. S.Vijayalakshmi
W/o. Shanmuga Vijayan,
Permanent resident of
No.73/32/1, Pillayar Koil Street,
Triplicane, Chennai ,
Now at G-252, First Floor, Avigna Celeste,
Echankaranai, Mahindra World City,
Kunnavakkam, Chengalpattu.

..Petitioner(s)

Vs

Nil

..Respondent(s)

Prayer:

Petition filed for appointment of Guardian and Estate of Mentally Ill person under Clause XVII of the Letters Patent, 1865 r/w Order XXI, Rules 2 and 3 of High Court Original Side Rules (a) to appoint the second petitioner as guardian of the person of the Intellectually disabled R.Eswaran b) Appoint the second petitioner as the manager of the properties of R.Eswaran described in the schedule and to manage the same c) Permit the second petitioner to sell, convey, execute and register all such conveyance and instruments for disposing of the share of R.Eswaran in the properties described in the schedule d) Permit the second petitioner to convey, execute and register in the sale deed on behalf of R.Eswaran and permit the second petitioner to receive consideration amount, and to spend the amount for the regular treatment expenses of the mentally ill person the R.Eswaran.



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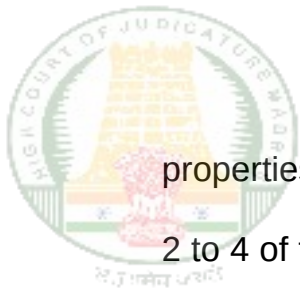
For Petitioner(s):

Mr.R.Rajaramani

ORDER

This petition has been filed under Clause XVII of the Letters Patent, 1865 r/w Order XXI, Rules 2 and 3 of High Court Original Side Rules (a) to appoint the second petitioner as guardian of the person of the Intellectually disabled R.Eswaran b) Appoint the second petitioner as the manager of the properties of R.Eswaran described in the schedule and to manage the same c) Permit the second petitioner to sell, convey, execute and register all such conveyance and instruments for disposing of the share of R.Eswaran in the properties described in the schedule d) Permit the second petitioner to convey, execute and register in the sale deed on behalf of R.Eswaran and permit the second petitioner to receive consideration amount, and to spend the amount for the regular treatment expenses of the mentally ill person the R.Eswaran.

2. According to the petitioners, the 1st petitioner married one Mr.Ramamurthy and out of the wedlock, two children namely, the 2nd petitioner and one Easwaran was born. Now, the 1st petitioner is aged about 80 years, 2nd petitioner is aged about 58 years and the said Easwaran is aged about 48 years. The said Mr.Ramamurthy died intestate at Chennai on 17.01.2020, leaving behind his wife and children as his legal heirs. The said Mr.Ramamurthy, during his lifetime, purchased the schedule mentioned



properties and the said R.Eswaran, is entitled to an equal 1/3rd share in Item 2 to 4 of the schedule properties and ½ share in the first item of properties. In the year 2008, the petitioners made arrangements for the marriage of the said Eswaran with one Keerthi and the marriage took place on 19.10.2008 and subsequently, both of them moved to the Family Court, Chennai for divorce under mutual consent and accordingly, the dissolution of marriage took place. In the said proceedings, the wife Keerthi undertook, assured and promised not to claim any share or right in the properties of the said R.Eswaran.

2(i) Since there was some change in the behaviour of the said R.Eswaran, he was examined by the Medical Officer / Civil Assistant Surgeon Institute of Mental Health, Chennai and certified as Intellectual Disabled Person with 75% disability. The 1st petitioner, being mother of 2nd petitioner and the said Eswaran, had given consent to the 2nd petitioner for being appointed as Guardian to R.Eswaran, who is intellectually disabled. The approximate total value of the said properties more particularly the share of son, R.Eswaran is Rs.30,00,000/- after deducting the expenses as per law. The 2nd petitioner, who is proposed to be as guardian was married and has two sons and resides with her family at Kunnavakkam chengalpet and she is in good circumstances and financially well placed and she is the sister of R.Eswaran and nearest relation of R.Eswaran. For the welfare and benefit of R.Eswaran, who is the brother of the 2nd respondent, Guardianship certificate is necessary to sell and manage his share in the schedule properties. The 2nd



petitioner has absolutely no adverse interest against her brother and she is ready and undertakes to spend the amount for the treatment expenses of the mentally ill person, R.Eswaran. Therefore, the petitioner has filed this petition.

3. After filing of this petition, paper publication was effected and no 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.17 were marked.

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

5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.17, they revealed that the 1st petitioner is the mother of R.Eswaran and the 2nd petitioner is the sister of the said R.Eswaran and they are each entitled to an equal 1/3rd share in Item 2 to 4 of the schedule properties and ½ share in the first item of properties, which was purchased by the deceased Mr. Ramamurthy. The said Eswaran was under the care and custody of his mother, viz., 1st petitioner and since the 1st petitioner is aged 80 years and suffering from age old ailments, the 2nd petitioner, who is the sister of Eswaran has come forward to take care him.

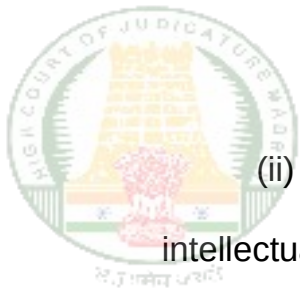


6. Further, an undertaking affidavit has been filed by the 2nd petitioner seeking permission to sell the item nos.2 and 3 properties situated at Thiruverkadu, since the petitioners are at Chennai, there is a threat of encroachment by third parties and the said property would fetch a sum of Rs.46,50,000/-, as market value. There is an offer for the said amount and the same has been accepted by the petitioners and the 2nd petitioner is ready to deposit her brother's share, viz., Eswaran in the account as fixed deposit.

7. In view of the above, there is no any adverse interest against the said R.Eswaran. Therefore, in the interest of R.Eswaran, Intellectual disabled person, this petition seeking permission to maintain the properties, to sell certain properties and to receive consideration amount are all for the welfare and interest of R.Eswaran, Intellectual disabled person. Therefore, this petition is liable to be allowed.

8. In view of the above discussions, this original petition is allowed on the following terms:

(i) The 2nd petitioner is appointed as guardian of the intellectually disabled person, viz., R.Eswaran to manage the properties of R.Eswaran, described in the schedule and permitted to sell, convey, execute and register all such conveyance and instruments for disposing of the share of R.Eswaran in the properties situated at Tiruverkadu described in the schedule for Item Nos. 2 and 3 ;



(ii) The 2nd petitioner is also permitted receive the benefits of the said intellectually disabled person for the well being of the said person and deposit the share of the intellectually disabled person, in his account as fixed deposit and is permitted to withdraw the interest amount periodically that accumulates over the deposited amount once in three months for the well being of the intellectually disabled person,

(iv) Upon complying with the above directions, an affidavit of compliance shall be filed by the 2nd petitioner in the Registry.

29.01.2026

Index : Yes/No
Speaking Order : Yes/No
ssd

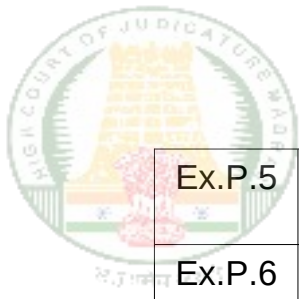
APPENDIX:

List of Petitioners side Witnesses:

PW1 : Mrs. S.Vijayalakshmi

List of Petitioners side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	27.08.1970	Photocopy of the sale deed dated 27.08.1970 executed in favour of Mr.Ramamurthy
Ex.P.2	08.12.1978	Certified copy of the sale deed dated 08.12.1978 executed in favour of Mrs.R.Ambika, the first petitioner herein
Ex.P.3	30.06.1993	Photocopy of the sale deed dated 30.06.1993 executed in favour of Mr.L.Ramamurthy
Ex.P.4.	14.10.1999	Photocopy of the sale deed dated 14.10.1999 executed in favour of Mr.L.Ramamurthy



Ex.P.5	-	Computer generated death certificate of Mr.L.Ramamurthy
Ex.P.6	-	Computer generated legal heirship certificate of Mr.L.Ramamurthy
Ex.P.7	-	Photocopy of the Unique Disability Identity Card of Mr.R.Eswaran
Ex.P.8	-	Photocopy of the pass book of Mr.R.Eswaran issued by the Government of Tamil Nadu for disability persons
Ex.P.9		Photocopy of the concession certificate of Mr.R.Eswaran
Ex.P.10	-	Photocopy of the Aadhaar Card of the 1 st petitioner
Ex.P.11	-	Photocopy of Aadhaar card of the 2 nd petitioner
Ex.P.12	-	Photocopy of the Aadhaar Card of Mr.R.Eswaran
Ex.P.13	-	Photocopy of PAN Card of the 2 nd petitioner
Ex.P.14	-	Downloaded copy of the encumbrance certificate for the period 01.01.1975 to 20.01.2025
Ex.P.15	08.05.2025	Photocopy of the settlement deed dated 08.05.2025 executed in favour of Mrs.S.Vijayalakshmi and Mr.R.Eswaran
Ex.P.16	-	Affidavit under Section 63(C) of BSA for electronic documents

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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