



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE**OP No. 324 of 2025**

M.S. Kalaivani
W/o. P.G.Santhana Krishnan,
H-1, Sri Mahalakshmi Enclave,
No.24, Gandhi Road,
H-Block Choolaimedu,
Chennai 600 094.

..Petitioner(s)

Vs

1. Mrs.M.S.Mallika
W/o.Mr.M.B.Madan Kumar,
No.6/46, Gil Nagar, 1st street,
Choolaimedu, Chennai-600 094
2. Mrs.M.S.Premalatha
W/o.Mr.M.S.Logachandran,
11A, Lansell Circuit, Wanniasa,
Australian Capital Territory 2903
(Respondents 1 and 2 are impleaded as per
order dated 10.03.2026 in A.No.5388/2025)

..Respondent(s)

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to permit the petitioner to retain the sale proceeds of the properties mentioned in Schedule I and II, of the 1/4th Share of the mentally retarded person Mr.M.S.Balaji and utilise the same for the welfare and benefit of Mr.M.S.Balaji.

For Petitioner(s):

M/s. AAV Partners
Anbarasi Rajendran

For Respondent(s):

M/s.Monisha.D(2292/2020)
Shanmuga Sundaram(501/2021)



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No.76,76&77, Ii & Iii Floors, Marshalls Road,
Egmore, Ch-8
Mob-9003217260
Vak For R1 & R2-d.Nos-10271, 10272/2026-filed
On-23/03/2026

ORDER

This Original Petition has been filed seeking appointment of the petitioner as the guardian and manager of her brother, Mr. M.S. Balaji, who is stated to be intellectually disabled and incapable of managing his own affairs and properties, under Clause XVII of the Letters Patent, 1865.

2. The petitioner, Mrs. M.S. Kalaivani, is the sister of Mr. M.S. Balaji. It is stated that Mr. M.S. Balaji is unmarried and is residing at Dr. G.D. Boaz Memorial Hospital School, Chennai, where he is being taken care of. The petitioner states that she has been taking care of him since his birth and, for his medical care, maintenance and livelihood, entered into a Memorandum of Agreement dated 28.04.2016 with Dr. G.D. Boaz Memorial Hospital School and paid a sum of Rs.25,00,000/- towards his care and maintenance.

3. It is further stated that the parents of the petitioner and Mr. M.S. Balaji, namely, Mr. M. Sathyanarayanan and Mrs. M.S. Suryakumari, are no more. According to the petitioner, Mrs. M.S. Suryakumari left behind the petitioner, her sisters Mrs. M.S. Mallika and Mrs. M.S. Premalatha and Mr. M.S. Balaji as



her legal heirs. It is stated that the deceased had left certain amounts in savings bank accounts with Indian Bank and an immovable property measuring 1200 sq.ft., situated at Door No.74, Mount Pleasant Main Road, Coonoor Town, Nilgiris District. The petitioner claims that Mr. M.S. Balaji is entitled to 1/4th share in the said movable and immovable properties.

4. The petitioner has marked Exs.P1 to P13 in support of her case. Ex.P1 is the Sale Document No.861 of 1996 standing in the name of Mr. M. Sathyanarayanan. Ex.P2 is the Settlement Deed dated 18.10.2004, registered as Document No.1735 of 2004, in favour of Mrs. M.S. Suryakumari. Exs.P3 and P4 are the death certificates of Mr. M. Sathyanarayanan and Mrs. M.S. Suryakumari respectively. Exs.P5 and P6 are the legal heir certificates issued in respect of the deceased Mr. M. Sathyanarayanan and Mrs. M.S. Suryakumari respectively.

5. Ex.P7 is the Disability Certificate showing 90 % mental retardation issued by the Department of Psychiatry, Chengalpattu Medical College and Hospital, relating to Mr. M.S. Balaji. Ex.P10 is the Memorandum of Agreement dated 28.04.2016 entered into between the petitioner and Dr. G.D. Boaz Memorial Hospital School, Chennai. Exs.P11 and P12 are the certificates issued by Indian Bank, Coonoor Branch and Choolaimedu Branch respectively, along with the relevant passbooks, showing the amounts lying in the name of the

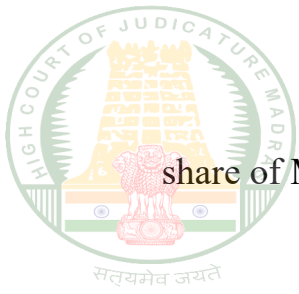


deceased Mrs. M.S. Suryakumari. Ex.P13 is the Encumbrance Certificate relating to the immovable property.

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6. The petitioner has also filed a declaration of willingness to act as guardian. The parties have further filed a Joint Memo dated 16.03.2026 setting out the manner in which the movable and immovable properties and the 1/4th share of M.S. Balaji are to be dealt with. The Joint Memo is taken on record. Having regard to the death of the parents of Mr. M.S. Balaji, the relationship of the petitioner with him, the consent affidavits filed by the respondents, and the absence of any objection pursuant to paper publication, and upon consideration of the documentary and oral evidence placed on record, this Court is satisfied that the petitioner is a fit and proper person to be appointed as guardian of the person and manager of the property of Mr. M.S. Balaji.

7. However, insofar as the prayer relating to the sale of the 1/4th share of Mr. M.S. Balaji in the immovable property is concerned, this Court has to be satisfied that the proposed sale is necessary and is in the best interest and welfare of Mr. M.S. Balaji and that the sale consideration represents the best available value for his share. However, this Court found that the petitioner had not furnished the particulars of the proposed purchaser, the proposed sale consideration, the draft sale agreement, the guideline value or any other material to demonstrate that the proposed sale would fetch the best possible price for the



share of Mr. M.S. Balaji.

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9. Accordingly, this Original Petition is **disposed of** with the following terms:

(i) The petitioner, M.S. Kalaivani, is appointed as the guardian of the person of her brother M.S. Balaji and as the manager of his properties, under Clause XVII of the Letters Patent, 1865.

(ii) The petitioner is permitted to operate and maintain the bank accounts relating to the share of M.S. Balaji and to manage his movable and immovable assets only for his welfare, medical treatment, maintenance and benefit, subject to the terms contained in the Joint Memo.

(iii) The 1/4th share of M.S. Balaji in the savings amounts standing in the name of his deceased mother, M.S. Suryakumari, shall be deposited in the joint bank account maintained by the sisters with Federal Bank, as stated in the Joint Memo, and the said amount shall be utilised exclusively towards the medical treatment, maintenance and welfare of M.S. Balaji.

(iv) The petitioner shall not sell, mortgage, charge, alienate or otherwise encumber the immovable property or the 1/4th share of M.S. Balaji therein, save with the prior leave of this Court, to be sought by way of a separate application demonstrating that such alienation is necessary and beneficial to M.S. Balaji



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and that the proposed consideration represents a fair and proper value for his share.

(vii) The petitioner shall maintain proper and complete accounts of all amounts received and expended on behalf of M.S. Balaji and shall produce the same before this Court as and when directed.

(viii) The appointment of the petitioner shall ensure during the disability of M.S. Balaji and shall remain subject to the supervision of this Court. It shall cease upon his regaining capacity, upon his death, or upon further orders of this Court; and any person interested in his welfare shall be at liberty to apply for variation or revocation of the appointment.

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

JRS

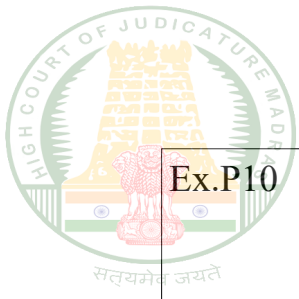
**Petitioner's witness:**

P.W.1 – M.S.Kalaivani

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The Photocopy of Sale Document No.861 Mr.M.Sathya Narayanan dated 19.08.1996.
Ex.P2	The xerox copy of Settlement Document No. 1735 of 7004 in the name of Mr.M.S.Suiya Kumari dated 18.10.2004.
Ex.P3	the Photocopy of Death certificate of the deceased Mr.M.Sathya Narayanan date of death (24.09.2007) dated 08.10.2007 (Original produced, verified and returned)
Ex.P4	the xerox copy of Death Certificate of the deceased Mrs.M.S.Surya Kumari date of death 01.10.2012 dated 09.10.2012 (Original produced, verified and returned)
Ex.P5	the xerox copy of Legal heir certificate issued for Mr.M.Sathya Narayanan dated 06.10.2009.
Ex.P6	the xerox copy of Legal heir certificate issued for Mrs.M.S.Surya Kumari dated 14.06.2013. (Original produced, verified and returned)
Ex.P7	the xerox copy of Disability Certificate of Mr.M.S.Balaji dated 28.04.2016.
Ex.P8	the Xerox copy of Aadhar Card of the petitioner Kalaivani. (Original produced, verified and returned)
Ex.P9	the Xerox copy of Aadhar card of said mentally retarded Mr.M.S.Balaji. (Original produced, verified and returned)



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Ex.P10	the xerox copy of Memorandum of Agreement between Dr.G.D.Boaz memorial Hospital School and the petitioner dated 28.04.2016. (Original produced, verified and returned)
Ex.P11	the xerox copy of Certificate issued by the Indian Bank, Connoor Branch in the name of deceased M.S.Surya Kumari along with Passbook dated 13.07.2023. (Original produced, verified and returned)
Ex.P12	The xerox copy of Certificate issued by the Indian Bank, Choolaimedu Branch in the name of deceased Mrs.M.S.Surya Kumari along with Passbook dated 18.07.2023. (Original produced, verified and returned)
Ex.P13	The downloaded copy of Encumbrance certificate of the schedule property dated 30.07.2026.

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DR.A.D.MARIA CLETE J.

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