

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28th DAY OF APRIL 2016

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

O.P. No.268 OF 2016

In the matter of Guardians
and Wards Act 1890 and
And

In the matter of Minaor
Shaik Moulaliha, aged 15
years

Mrs.Shaik Kulsum
W/o.Late S.Sherif
New No.44, Old No.3
Kolaimaniamman koil Street
T.Nagar, Chennai-600 017.

...Petitioner

Original Petition praying that this Hon'ble Court be
please to

a)that Mrs.Shaik Kulsum, the petitioner herein or
some other fit and proper person may be appointed as the
guardian of the person and the property of the minor
Shaik Moulaliha;

b)that the Petitioner may be permitted to sell the
14/64 share of the Minor Shaik Moulaiha in the schedule
mentioned property for a sum of Rs.5,25,00/- and deposit
the same in any Nationalized Bank in the name of Minor.

This Original Petition coming on this day before
this court for hearing court made the following order:

This is an original petition filed under Sections 3,
7 to 10 and 29 of the Guardian and Wards Act, 1890,
seeking appointment of the petitioner as the guardian of
the person and property of the minor by name Shaik

Moulaliha and for the sale of minor's share in the property.

2. The petitioner is the mother of Shaik Moulaliha, born in her lawful wedlock with Thiru.S.Sherif. The child was born on 18.03.2000. The husband of the petitioner died on 30.05.2014. The petitioner along with her husband purchased the property bearing New Door No.44/3, Old Door No.3/3, Kolaimani Amman Koil Street, T.Nagar, Chennai -600 017. The minor is having 14/64 share in the said property. The petitioner has made an agreement with Dr.P.Rajarajan to sell the property for a total sum of Rs.24 lakhs. The present petition is to permit her to sell the 14/64 share of the minor.

3. The petitioner was examined as P.W.1. The following documents were marked through her:-

Exhibits	Documents
Ex.P1	Computer generated birth certificate of Moulaliha S, who was born on 18.03.2000
Ex.P2	Computer generated death certificate of Shaik Sherif, who died on 30.05.2014
Ex.P3	Computer generated legal heir ship certificate dated 10.01.2015 in respect of Shaik Sherif
Ex.P4	Photocopy of the sale deed dated 08.11.2012 executed by Mr.B.Ranganathan and others in favour of Mr.S.Sherif and the petitioner.
Ex.P5	Photocopy of the Property Tax Demand Card bearing Serial No.1164138 standing jointly in the petitioner's name and S.Sherif
Ex.P6	Photocopy of the Electricity Bill Card standing in the name of Sherif

Exhibits	Documents
Ex.P7	Photocopy of the agreement of sale dated 22.01.2016 entered into between the petitioner, her daughter Syed Noori and another daughter Shaik Soni and her son Shaik Moulaliha and Dr.P.Rajarajan
Ex.P8	Declaration of Willingness to accept the office of guardian of the person and property of the minor Shaik Moulaliha

5. The petitioner is the biological mother of the minor. She has no interest adverse to that of the minor. The minor is having 14/64 share in the property originally purchased by the petitioner and her husband. The other sharers have taken a decision to sell the property to Dr.P.Rajarajan. The petitioner is therefore justified in her request to sell the undivided 14/64 share of the minor in the property shown in the schedule to the original petition.

6. In the light of the pleadings and the documents available on record, I am satisfied that this petition deserves to be allowed.

7. The petitioner is appointed as the guardian of the person and property of the minor Shaik Moulaliha, born on 18.03.2000. The petitioner is permitted to sell 14/64 share of the minor in the property shown in the schedule to the original petition. The sale proceeds

representing the share of the minor shall be deposited in a Fixed Deposit in a nationalised bank, initially for a period of three years renewable from time to time till the minor attains majority. The petitioner is permitted to realise the interest income from the Fixed Deposit to meet the expenses of the minor.

8. The petitioner is directed to file an affidavit along with a xerox copy of the Sale Deed and Fixed Deposit receipt immediately after completion of the transaction.

The Original Petition is allowed as indicated above.

sd/.K.K.S.J

28.04.2016

//Certified to be a true copy//
Dated this the day of 2016.

S.s/15.06.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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