

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 20TH DAY OF JUNE 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.P. No.281 of 2019

In the matter of Guardian and
Wards Act, 1890

And

In the matter of
C.Mahalakshmi, Minor

Mrs.C.Vasanth,
W/o.Late Mr.C.Venkateswarulu,
Door No.1/38, Basuvian Street,
Old Washermenpet, Chennai-600 021. Petitioner

Original Petition praying that this Hon'ble Court
may be pleased to:-

a) appoint the petitioner as the guardian of the
person and property of the minor namely C.Mahalakshmi;

b) permit the petitioner to sell the minor's share and
that the said guardian may be at liberty to invest the net
share amount of minor C.Mahalakshmi from and out of the
sale consideration;

c) permit the petitioner to receive interest once in
three months from the deposit of the minor C.Mahalakshmi to
maintain and educate her.

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

The petitioner seeks to appoint herself as a guardian
of the person and property of the minor C.Mahalakshmi and

immovable property measuring an extent of 792 Sq.ft., situate at Municipal Door No.1, (earlier Door No.38), Basuvaiyyan Street, Old Washermenpet, Chennai - 600 021.

2. The property originally belonged to the husband of the petitioner/ father of the minor Late. C.Venkateswarulu. The said Venkateswarulu died on 22.04.2017, leaving behind the petitioner and two children namely, C.Hemakrishna and C.Mahalakshmi. The petitioner being an unemployed widow is unable to maintain herself and her children after the death of her husband. Hence, she seeks permission to sell the property along with the interest of the minor.

3. Though the original petition has been filed seeking to appoint the petitioner as a guardian of the person and property of the minor Mahalakshmi, I do not think that the said prayer is required in as much as the parties are the Hindus. As per the section 6 of the Hindu Minority and Guardianship Act, the mother is a natural guardian of a Hindu minor in the absence of the father. Therefore, the prayer for appoint the petitioner as a guardian of the person and property of the minor, in my view is superfluous. The petitioner has examined herself as P.W.1 and she has deposed that the sale of the property will be in the interest of the minor. The property measuring an extent of 792 Sq.ft., hence any division of it

for the purpose of sale in portions is also not possible. The purchaser has been examined, he has produced the bank statement which shows that he has paid a portion of the sale consideration as advance. He has also deposed about his readiness and willingness to pay the balance sale consideration.

4. In view of the evidence, I find that the sale of the property will be in the interest of the minor. Hence, this original petition is allowed permitting the petitioner to sell the minor share as statutory guardian under section 6 of the Hindu Minor and Guardianship Act. The prayer for appointing the petitioner as guardian of the person and property of the minor is rejected as superfluous.

Sd./-R.S.M.J
20.06.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 13/08/2019

COURT OFFICER(O.S.)

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