

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.420 of 2019

In the matter of Guardian and
Wards Act
and

In the matter of Minor
Children (i) Minor.Jahidh,
S/o. Late.A.J.Jaffer Ali,
Aged about 9 years
(ii) Minor.Jasima
D/o. late A.J.Jaffer Ali
Aged about 5 years

J.FATHIMA BEEVI @ FATHIMA
aged about 38 years
Wife of Late A.J.Jaffer Ali
No.3/2, Thirunavukarasu Street,
MGR Nagar, Kalaignar Karunanidhi Nagar,
Chennai-600078. ... Petitioner

Original Petition praying that this Hon'ble Court be
pleased to a) To sell the 2/4th undivided share of minor
Jahidh and minor Jasima in the Petition A schedule mentioned
property to K.Udhaya Kumar son foMr.S.Krishnan, aged about 37
years, residing at No.9A, Avvaiyar Street, Ambal Nagar,
Ekkattuthangal, Chennai-600032 on behalf of minor Jahidh and
minor Jasima.

b) to deposit 2/4th undivided share out of the sale
proceeds of the minors in the manner as directed by this
Hon'ble Court.

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

The petitioner seeks permission to sell the share of the minors in the property left behind by their father A.J.Jaffer Ali.

2. It is seen from the pleadings and evidence that the father of the minors A.J.Jaffer Ali owned a house site measuring an extent of 1660 sq.ft., out of which, he sold an extent of 600 sq.ft., even during his life time. The said A.J.Jaffer Ali had died in the year 2017, leaving behind his mother, wife/petitioner herein and two minor children, namely Jahidh and Jasima. Minor son Jahidh has got 17/36 share and the daughter Jasima has got 17/72 share in the property left behind by A.J.Jaffer Ali.

3. The property, being the vacant land, does not generate any income. It is stated that the petitioner/mother, being the guardian, finds it difficult to meet out the day to day expenses, including education and maintenance of the minor children. Hence, she has come forward with the original petition seeking permission to sell the property.

4. All the four sharers had entered into an agreement dated 24.09.2018 with one K.Udhaya Kumar son of S.Krishnan, who offered to purchase the property for a consideration of RS.25,00,000/-. They have also received an advance of

Rs.10,00,000/-.

5. The petitioner has been examined as P.W.1. She had filed a proof affidavit reiterating the averments contained in the petition stating that the sale will be in the interest of the minors. She has also produced the parent document relating to the property and the death certificate of A.J.Jaffer Ali as Exs.P1, P2, P4 and P6. The birth certificates of the minor children have been produced and marked as Exs.P3 and P5. The agreement of sale dated 24.09.2018 has been marked as ex.P7.

6. It is seen from the Sale Deed dated 29.09.2014 that late A.J.Jaffer Ali had sold 600 sq.ft of the property along with building at Rs.16,20,000/-. The valuation of the land and building has been shown at Rs.13,20,000/- and Rs.3,00,000/- respectively. The copy of the guideline value register has been marked as Ex.P13. A perusal of the Ex.P13 shows that the guideline value is Rs.1876 /sq.ft. The purchaser has agreed to pay over and above the guideline value. Hence, I find the consideration offered for the property in the agreement dated 24.09.2018 is fair and reasonable.

7. In view of the said evidence, I am satisfied that the sale of the property will be in the interest of the minors. Hence, the Original Petition is allowed permitting the petitioner to sell the shares of the minors in the subject property. The share of the minors in the sale proceeds i.e., Rs.17,70,000/- (Rupees Seventeen lakhs seventy thousand only) should be deposited in an interest earning Fixed Deposit in any one of the Nationalised Banks with a provision for automatic renewal till the minors attain majority. The Fixed Deposit receipt shall be lodged with the Registrar General of this Court for safe custody.

Sd/-R.S.M.J
28/08/2019

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

COURT OFFICER(O.S.)

JJ 24/10/2019

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