

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:20.03.2019

CORAM:
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.1984 OF 2019

Vijayalakshmi Nandhagopal

... Appellant/Petitioner

PRAYER: Civil Miscellaneous Appeal file under Section 8(5)(c) of the Hindu Minority and Guardianship Act, praying to modify the Judgment and decree dated 18.01.2019 passed in H.M.G.O.P.No.1 of 2018 on the file of the Principal District Judge, Kancheepuram District at Chengalpattu and pass an order reducing the deposit amount from Rs.17,00,000/- to some other reasonable amount.

For petitioners : Mr.R.Bharath Kumar

O R D E R

This appeal is filed by the appellant seeking to modify the Judgment and decree dated 18.01.2019 passed in H.M.G.O.P.No.1 of 2018 on the file of the Principal District Judge, Kancheepuram District at Chengalpattu and to reduce the deposit amount from Rs.17,00,000/- to some other reasonable amount.

The appellant filed a petition before the trial Court, seeking to sell the minor's share under Section 8 (2) (A) of Hindu Minority and Guardianship Act. The appellant is the mother of minors. She is unemployed and she has to maintain both the children. In fact, at the time of death of her husband, he left a loan to the tune of Rs.11,00,000/- borrowed towards purchase of property. It is submitted by the appellant that she borrowed money from her aunt and settled the entire loan amount with the bank. In order to settle the debt due to her aunt, she seeks to sell the property. The minors are entitled to 2/3rd of the share in the property.

2. The learned District Judge, after considering the need of the petitioner, permitted her to sell the property and the value of the property was fixed at Rs.25,00,000/-. In order to protect the interest of the minors, the Court has directed the appellant to deposit a sum of Rs.17,00,000/- in fixed deposit being 2/3rd share.

3. The petitioner would submit that the children are studying in X std and VI std respectively. Perusal of the school fee receipt discloses a sum of Rs.66,920/- paid towards annual fees for VI Std. Likewise, she is in need of money for taking care of their well being and to fulfil the needs of her children.

4. Now that, the petitioner has preferred this appeal for modification of the order passed by the learned Principal District Judge to reduce the deposit amount to be made in favour of minors.

5. On consideration of financial status and the future needs of the appellant's children and their education, this Court is inclined to reduce the deposit of money in favour of the minors from Rs.17,00,000/- to Rs.10,00,000/-. Accordingly, the order passed by the Principal District judge, Chengalpattu, in H.M.G.O.P.No.1 of 2018 dated 18.01.2019, is modified and appellant is directed to deposit a sum of Rs.10,00,000/- towards the shares of minors by means of demand draft drawn in favour of Principal District Judge, Chengalpattu to the account of H.M.G.O.P.No.1 of 2018 into the Court immediately. On receipt, the office is directed to deposit the said amount in a Nationalized bank until further orders by the Court. The petitioner is permitted to receive the interest once in three months and directed to spend the same for the welfare of the minors. All the transactions should be completed within three months from the date of this order, failing which, the permission stands cancelled. The petitioner is not permitted to sell any other property other than the petition mentioned schedule mentioned property on behalf of the minor children.

6. The Civil Miscellaneous Appeal is disposed of with the above observation and direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bkn/tk

To

The Principal District Judge,
Kancheepuram, Chengalpattu.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.26453

C.M.A.NO.1984 OF 2019

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