

OP.No.645 of 2019

K.KALYANASUNDARAM,,J

This Original Petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956 r/w Order XXI Rule 2 and 3 of O.S.Rules seeking permission to sell the 1/3rd share of the minor in the property viz., No.195, New Door No.8, Bells Road, Chepauk, Chennai-600 005.

2. In the petition, it is stated that the husband of the petitioner died on 13.05.2016 leaving behind his wife, son and daughter as his class I legal heirs and only next of kin and particulars of which are hereunder given:-

- 1) S.S.Ramila - Wife
- 2) S.S.Madhan – Son aged 19 years
- 3) S.S.Swetha – minor daughter aged 16 years

3. It is further stated that after the death of her husband, the petitioner is entitled to 1/3rd of share of the schedule mentioned property, while the son and minor daughter are jointly entitled to 2/3rd share of the property. The petitioner has decided to sell the property to enable her to take care of the education of the minor and other expenses, which are meet out by her. Therefore, the petitioner is before this Court with this petition.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P6:-

1. Ex.P1 is the photocopy of the Settlement Deed dated 06.12.2006 in favour of her husband J.Srichar registered as Doc.No.1835 of 2006 at SRO, Triplicane.
2. Ex.P2 is the computer generated death certificate of her husband S.J.Sridhar, who died on 13.05.2016.
3. Ex.P3 is the photocopy of the Legal Heirship certificate dated 07.09.2016 in respect of her husband S.J.Sridhar.
4. Ex.P4 is the photocopy of birth certificate of her minor daughter S.S.Swetha, who was born on 01.05.2003.
5. Ex.P5 is the photocopy of Agreement of Sale dated 12.07.2018 between the petitioner and her children and one Mr.M.Duraipandi (Purchaser) registered as Doc.No.981 of 2018 at SRO, Triplicane.
6. Ex.P6 is the online valuation report dated 02.07.2018 in respect of the property mentioned in the petition.

She has also stated that she has not filed any other petition before any other Court seeking the same relief.

4. Considering the averments made in the petition and on perusing the

materials available on record, I am of the opinion that the petitioner is entitled for the relief sought for in the petition. Therefore, this petition is ordered as prayed for. The petitioner is directed to deposit the entire share of the minor to the Indian Bank, High Court Branch, Chennai, till she attains majority. The petitioner is directed to render account once in a year.

KMI

04.11.2019

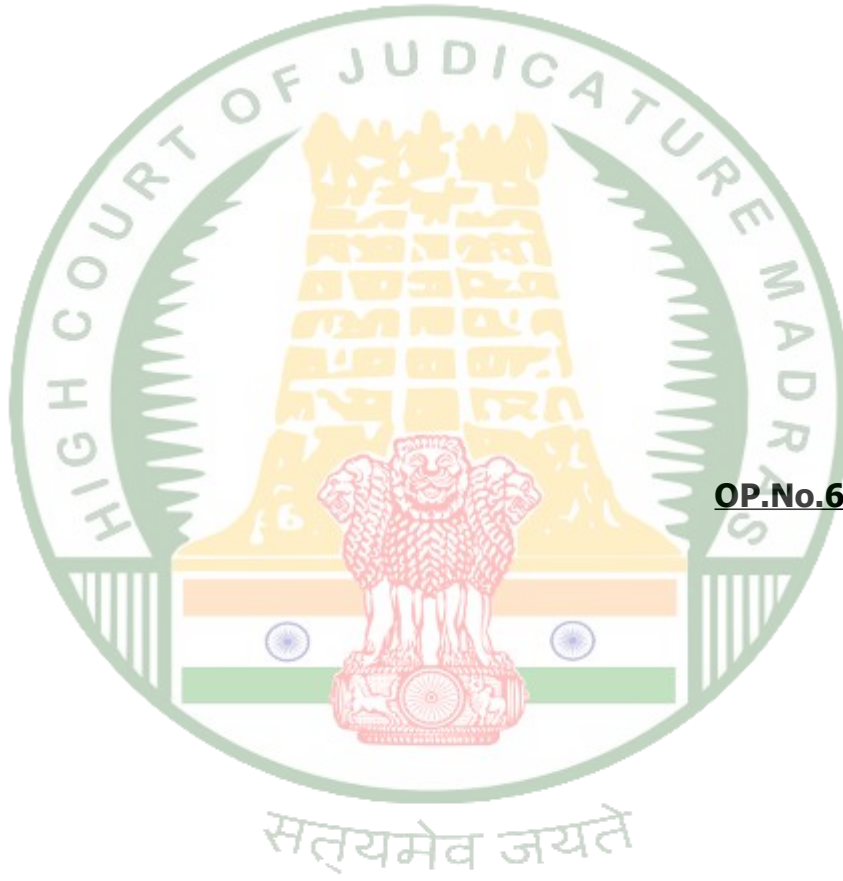


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