

O.P.No. 332 of 2019**R.SUBRAMANIAN, J.**

This application has been filed by the natural guardian of the minor child seeking to appoint herself as a guardian of the minor in order to enable her to sell the share of the minor in the property.

2. Section.6 of the Hindu Minority and Guardianship Act declares the mother of the minor as a natural guardian. Section. 5 of the said act gives an over riding effect to the Act, over any provision of law in so far as it is inconsistent with the provisions of the Act. Section. 8 of the Act interdicts a guardian of the Hindu minor from selling the property of the minor without the permission of the Court. The object of this application is only to enable the natural guardian to sell the property of the minor. Therefore, I am of the considered opinion that an appointment of a natural guardian as a guardian under the Guardian and Wards Act is unnecessary and an application seeking permission to sell the property under Section. 8 would suffice the purpose.

3. Hence, this application is rejected as unnecessary, leaving it open to the counsel for the petitioner to file an application under Section. 8 of the Hindu Minority and Guardianship Act seeking permission to sell the property of the minor.

26.04.2019

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