IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 18TH DAY OF JULY 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.P. No.522 of 2019

In the matter of Hindu Minority and Guardianship Act, 1956 Minors Purvimousha alias Purvi K.Jain, Moksha K.Jain and Mannan K. Jain

Mrs.Kiran K. Jain,
W/o.Late B.Kiran Kumar Jain,
Flat No.B 11B, ArihantSivasakthi Apartments,
No.97, Sydenhams Road,
Periamet, Chennai-600 003. ... Petitioner

-Versus-

Mrs.Kamala Devi,
W/o.Mr.Babulal Jain,
Flat No.B 11B, ArihantSivasakthi Apartments,
No.97, Sydenhams Road,
Periamet, Chennai-600 003. ... Respondent

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

a) permit the petitioner to sell the minors' share and that the said natural guardian may be at liberty to invest the net share amount of minor Purvimousha alias Purvi K.Jain, Moksha K. Jain and Mannan K. Jain from and out of the sale consideration;

b) permit the petitioner to receive interest once in three months from the deposit of the minor Purvimousha alias Purvi K.Jain, Moksha K. Jain and Mannan K. Jain to maintain and educate them.

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 minor in the property situate at Vidyasagar Oswal Gardens, Cochrane Basin Road, Chennai – 21.

2. The property in question belonged to late B.Kiran Kumar Jain who died intestate on 19.11.2012 leaving behind the petitioner, her three minor children and the respondent as his legal heirs.

3. Thus the minors have got 1/6rd share each in the said apartment which measures 876 sq.ft. According to the petitioner, the petitioner being a house wife, is unable to maintain herself and the minor children in the absence of any other income. The respondent who is her mother-in-law has also agreed for sale of the property and for investing the share of the minor in the Fixed Deposit so that the interest could be utilized for maintenance of the minors.

4. The petitioner has examined herself as PW1. She has spoken about the proposal for sale of the property. One of the purchasers has also been examined as PW2. He has spoken about his readiness to purchase the property and he has also produced the bank statements of himself and his wife to show their capacity to pay the sale consideration.

5. 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 share of the minors in the subject property. The share of the minors i.e., Rs.19,80,000/- is directed to be deposited in an interest earning Fixed Deposit in any one of the Nationalised Bank 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
18.07.2019

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

JJ
20/08/2019

COURT OFFICER(O.S.)

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