

O.P.No.421 of 2019**R.SUBRAMANIAN.J.,**

The petition has been filed under Section 8 of Hindu Minority and Guardianship Act seeking permission for sale of the share of the minor D.Kavya in the property described in the schedule to the petition.

2. The property that is subject matter of the petition measures about 1490 sq.ft and it belonged to one Kabali who died on 10.11.1987 leaving behind his wife and seven children. One of the sons K.Durairaj died on 02.11.2018 leaving behind his mother Sagunthala, wife Sumithra - the petitioner herein and two children viz., Gokul and Kavya (the minor). The minor is therefore entitled to 1/32nd share in the property which measures about 1490 sq.ft.

3. The petitioner has been examined as PW1. She has filed a proof affidavit reiterating the averments contained in the petition stating that the sale will be in the interest of the minor. She has produced the death certificate of late Kabali as Ex.P2 and his legal heirship certificate has been produced as Ex.P3. The death certificate and legal heirship certificate of K.Durairaj father of the minor has been produced as Ex.P4 and Ex.P5.

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4. The purchaser has also been examined. He has spoken about his readiness and willingness to purchase the property.

5. Considering the fact that the minor has only 1/32nd share in the property and division of the property is not possible considering the extent of the property and the number of heirs who are entitled to share in the property, I find that the sale of the property will be in the interest of the minor.

6. Hence, the petitioner is permitted to sell the minor's share in the property. The share of the minor i.e., a sum of Rs.5,15,625/- shall be deposited in an interest earning Fixed Deposit with a provision for automatic renewal till the minor attains majority. The Fixed Deposit receipt shall be lodged with the Registrar General of this Court for safe custody.

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01.07.2019

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NOTE:- Issue a copy of the order by **05.07.2019.**

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