

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 22ND DAY OF FEBRUARY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A. Nos.7034 to 7037 of 2018

and

A.No. 7555 of 2017

in

OP. No.438 of 2012

In the matter of the
Guardians and Wards Act,
VIII of 1890

And

In the matter of Minors

1) R.A.Ashwin, aged 17
years, 2) R.A.Aishwarya aged
15 years.

Mrs.Padmini Devarajan,
Wife of Mr.Devarajan,
No.22/5, Mohanam Flats,
22nd Street, Jai Nagar,
Arumbakkam, Chennai - 600 106. ..Applicant/Petitioner
(in A.No. 7035 & 7036 of 2018)

VS

1. Mrs.Ragini Premnath,
Wife of Commander N.J.Premnath,
No.245, Mahalakshmi Mandira,
Justice Ratnavel Pandian Road,
Mugapair, Chennai - 600 107

2. Mr.B.Palani,
Flat B5-1, Aiswaryam,
No.25-A, Red Hills High Road,
Kolathur, Chennai - 600 099.

3. Mrs.Banumathi,
Wife of Mr.B.Palani,
No.25-A, Red Hills High Road,
Kolathur, Chennai - 600 099.

..Respondents/Respondents
(in A.No. 7035 & 7036 of 2018)

A.No.7035 of 2018

Application praying that this Hon'ble Court be pleased to amend the age of majority of the 1st minor R.A.Ashwin as 24.10.2016 instead of 24.10.2013 in A.No.5006 of 2015 in O.P.No.438 of 2012 dated 29.07.2015.

A.No.7036 of 2018

Application praying that this Hon'ble Court be pleased to amend the age of majority of the 1st minor R.A.Ashwin as 24.10.2016 instead of 24.10.2013 in A.No.5007 of 2015 in O.P.No.438 of 2012 dated 29.07.2015.

A.No.7034 of 2018:-

1. R.Jayabalan, aged 67 yeras,
Manager,
Son of V.Rangaraju,

2. L.Loganathan, aged 52 years
Security
Son of Lakshmana Mudaliar

Both employed at the Aqua Farm,
Thervai Village, Gummidipoondi Taluk,
Tiruvallur District - 601 202.

... Applicant/3rd party

-Vs.-

1. Padmini Devarajan
W/o. Devarajan
No.22/5, Mohanam Flats,
22nd Street, Jai Nagar,
Arumbakkam, Chennai - 600 106.

..Respondent/Petitioner

1. Mrs.Ragini Premnath,
Wife of Commander N.J.Premnath,
No.245, Mahalakshmi Mandira,
Justice Ratnavel Pandian Road,
Mugapair, Chennai - 600 107.

2. Mr.B.Palani,
Flat B5-1, Aiswaryam,
No.25-A, Red Hills High Road,
Kolathur, Chennai - 600 099.

3. Mrs.Banumathi,
Wife of Mr.B.Palani,
No.25-A, Red Hills High Road,
Kolathur, Chennai - 600 099. ... Respondent/Respondent

Application praying that this Hon'ble Court be pleased to direct the respondent to make the payment of Rs.5,80,866/- to the applicants by fixing a time frame in respect of the application No. 3139 of 2017 dated 13.10.2017.

A.No.7037 of 2018 & 7555 of 2017:-

Mrs.Padmini Devarajan,
Wife of Mr.Devarajan,
B1-101, VGN Raksha, Church Road,
Mogappiar East, Chennai - 600 037. ..Applicant/Petitioner

VS
सत्यमेव जयते

1. R.Jayabalan, aged 67 yeras,
Manager,
Son of V.Rangaraju,

2. L.Loganathan, aged 52 years
Security
Son of Lakshmana Mudaliar

Both employed at the Aqua Farm,
Thervai Village, Gummidipoondi Taluk,
Tiruvallur District - 601 202.

... Respondents/Applicants

3. Mrs.Ragini Premnath,
Wife of Commander N.J.Premnath,
No.245, Mahalakshmi Mandira,
Justice Ratnavel Pandian Road,
Mugapair, Chennai - 600 107. ... Respondent/Respondent

A.No.7037 of 2018:-

Application praying that this Hon'ble Court be pleased to direct the Registrar, High Court Madras to return the fixed deposit standing in the name of R.A.Ashwin, bearing TDR/2002 No. 442254 expiring on 21.02.2015 issued by Bharat Overseas Bank Ltd., Chennai 600 002.

A.No.7555 of 2017:-

Application praying that this Hon'ble Court be pleased to grant three months time to comply with the order of this Hon'ble Court dated 13.10.2017 in A.No.3139 of 2017 in O.P.No.438 of 2012.

These applications coming on this day before this court for hearing, the court made the following order:-

By order dated 13.10.2017 made in A.Nos.6716 of 2015 & 3139 of 2017, the petitioner in O.P.No.438 of 2012 was directed to pay a salary for the manager Mr.R.Jayabalan at the rate of Rs.5,000/- per month and to Mr.Loganathan/Watchman at the rate of Rs.2,800/- per month for the period between 01.02.2011 to 01.04.2017. Admittedly, the said order has not been complied with. Several extension applications had been filed seeking extension of time for payment. Despite grant of time the order is not complied with.

2. Mr.P.K.Siva Subramaniam, learned counsel appearing for the petitioner in O.P.No.438 of 2012 would submit that there is no money left in the estate of the minors for the payment of the said amounts. The order dated 13.10.2017 has become final and the same has not been challenged. By order dated 14.02.2019, I had discharged the petitioner in O.P.No.438 of 2012 as the guardian of the minors since both the minors had attained majority. It is seen from the records that several fixed deposits which stood in the name of the minors and the grand mother of the minors. Srimathi. R.V.Chandra have been entrusted with this Court pursuant to the order passed earlier in O.P.No.298 of 2008. The details of fixed deposits receipts and other documents have handed over to the Court are set out in the order dated 16.11.2010.

3. A perusal of the same would reveal that there are fixed deposits to the tune of Rs.1,00,000/- at Rs.50,000/- each in the name of the minor children and tune of Rs.20,00,000/- in the name of the grand mother of the minors Mrs.R.V.Chandra, apart from the sum of Rs.5,11,708.67/- deposited to the credit of O.P.438 of 2012 by M/s.Jayaprakash Associates Limited. The only question that remains is the payment of salaries to the manager and

the watchman. Now that the minors have attained majority, the fixed deposits standing in the name of the minors as well as the documents relating to the properties in the name of Mr.R.V.Ashok, the parents of the minors are directed to be returned to the erstwhile minors under proper acknowledgement as follows:

1) Fixed deposit in favour of R.A. Ashwin bearing TDR/2002 No.442254 for a sum of Rs.50,000/-.

2) Fixed deposit in favour of R.A.Aishwarya bearing TDR/2002 No.442255 for a sum of Rs.50,000/-.

3) Original sale deed dated 23.01.2002 executed by Prabhakar Rao in favour of R.V.Ashok/father of the minor children registered in document No.50/2002. सत्यमेव जयते

4) 2 Original sale deeds dated 27.11.2004, one sale deed executed by Santhosh @ Ganesh N.Nchani in favour of R.V.Ashok in respect of lands survey No.43/9/A1 for 1 ground 37 cents and another sale deed in respect of lands

at Survey No.43/9 B1 measuring 35.5 cents, executed by Mahalakshmi Auto Machinery Corporation in favour of R.V.Ashok.

5) Original sale deed dated 27.05.1993 in respect of lands at Guduvancherry, Sriperumbudur comprised in Survey No.191-3-0.13 cents and Survey No.191-2B 0.12 cents totally 0.25 cents, executed by Thomas Naidu and others in favour of R.V.Ashok.

4. The following documents are directed to be returned to the petitioner in O.P.No.438 of 2012, Mrs.Padimini Devarajan, under proper acknowledgement:

1) Fixed deposit in favour of R.V.Chandra for a sum of Rs.5,00,000/- bearing FDR No.JAI/200076262 issued by Jai Prakash Associates Ltd. And the mature date is 18.12.2010.

2) Fixed deposit in favour of R.V.Chandra for a sum of Rs.5,00,000/- bearing A/c. No.H014745 issued by Sundaram Home Finance Limited with an

account statement. The maturity date is 17.12.2010.

3) Fixed deposit in favour of R.V.Chandra for a sum of Rs.10,00,000/- bearing No.RAA 118949 issued by Tamil Nadu Power Finance and Infrastructure Development Corporation Ltd., with an account statement. The maturity date is 17.12.2010.

4) Fixed deposit in favour of R.V.Chandra bearing FDR No.4128211 for a sum of Rs.3,00,000/- issued by Karur Vysya Bank.

5) Fixed deposit in favour of R.V.Chandra issued by Karur Vysya Bank bearing No.972820 for a sum of Rs.3,00,000/-.

6) 2 pass books from 02.03.2007 to 03.06.2008 of Karur Vysya Bank in the name of R.V.Chandra. (with a duplicate).

7) Pass book from 04.01.2007 to 01.03.2008 of Punjab National Bank in the name of R.V.Chandra.

8) Accounts statement of sundaram
BNP Paribas Mutual in favour of
R.V.Chandra from 08.05.2009 to
11.05.2009.

9) Accounts statement dated
31.08.2008 of Franklin Templeton
Investment in favour of R.V.Chandra.

10) Account statement from
Reliance Mutual Fund dated 03.04.2008
in favour of R.V.Chandra.

5. The sum of Rs.5,11,607.87/- along with accrued interest, if any, shall also be paid over to the petitioner in O.P.No.438 of 2012 i.e., Mrs.Padmini Devarajan. On receipt of these amounts, the petitioner in O.P.No.438 of 2012 is directed to pay a sum of Rs.3,70,000/- to Mr.Jaganathan and a sum of Rs.2,07,200/- Mr.Loganathan, who are the manager and watchman of the Aqua Farm as per the order dated 13.10.2017. On such payment, the said Jaganathan and Loganathan shall hand over the possession of the property to the erstwhile minors under proper acknowledgement. It will be open to the petitioner in O.P.No.438 of 2012 to adjust the sum of Rs.5,77,200/- from the share of the minors in their grand mother's property.

All other applications will stand closed.

Sd/-R.S.M.J

22/02/2019

//Certified to be a true copy//

Dated this the day of 2019.

JJ 01/03/2019

COURT OFFICER (O.S)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment/Decree in this format.



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