

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 29TH DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.482 of 2019

In the matter of the Hindu
Minority Guardianship Act
1956
and

In the matter of Minor 1.
Kiruthika aged about 13
years, 2. Minor.Tejasri aged
about 4 years

Bhuvaneswari
W/o. Late.Dilli,
Plot No.54, D4/17, Rayla Nagar,
1st Main Road, Ramapuram,
Thiruvallur - 600 089.

Now the petitioner along with the minor children are
residing at

No.26, Ragava Nagar, Shanmugappa Street,
Kodungaiyur, Chennai 600 018. ... Petitioner

Original Petition praying that this Hon'ble Court be
pleased to the petitioner Bhuvaneswari as natural guardian
may be permitted to mortgage the minor's share in schedule
mentioned property for a sum of Rs.50,00,000/- and the
petitioner may be permitted to utilize the mortgage funds
for the construction of house, educational expenses and
maintenance of the minors for their welfare.

This Original Petition coming on this day before this
court for hearing the court made the following order:-

The petitioner seeks permission to mortgage the share
of the minors in the property, in order to enable her to
construct residential house.

property in question originally belonged to Late K.Natarajan, grandfather of the minor children Kiruthika & Keerthana. The said K.Natarajan died leaving behind his wife Indirani, two daughters by name Neela and Gnanammal apart from the father of the minors N.Dilli. The other three heirs of K.Natarajan had released their rights over the property in favour of N.Dilli by a registered release deed dated 12.04.2004. Thus he became the absolute owner of the property. The said N.Dilli died on 12.11.2015 leaving behind the petitioner (wife) and two minor daughters namely, D.Kiruthika and D.Tejasri. Minor D.Kiruthika was originally named as D.Keerthana and her name was changed as D.Kiruthika by effecting a publication in the Government Gazette dated 30.12.2009, which has been marked as Ex.P2. The release deed has been marked as Ex.P1. The death certificate of N.Dilli has been marked as Ex.P3. The birth certificates of the minor children have been produced as Exs.P4 and P5, while the legal heirship certificate has been marked as Ex.P6. The petitioner has also produced the rental agreements between her and her tenants, which have been marked as Exs. P7 to P13. From the rental agreements, it is seen that the petitioner is earning sufficient income to repay the loan that she proposes to borrow by mortgaging the property in question.

3. The evidence of the petitioner would show that the proposed mortgage is in the interest of the minor children,

since it is only a borrowing for development of the property. Hence, this application is allowed permitting the petitioner to mortgage the share of the minors in the property described in the schedule apprehended to the petition.

Sd/.R.S.M.J.
29.07.2019

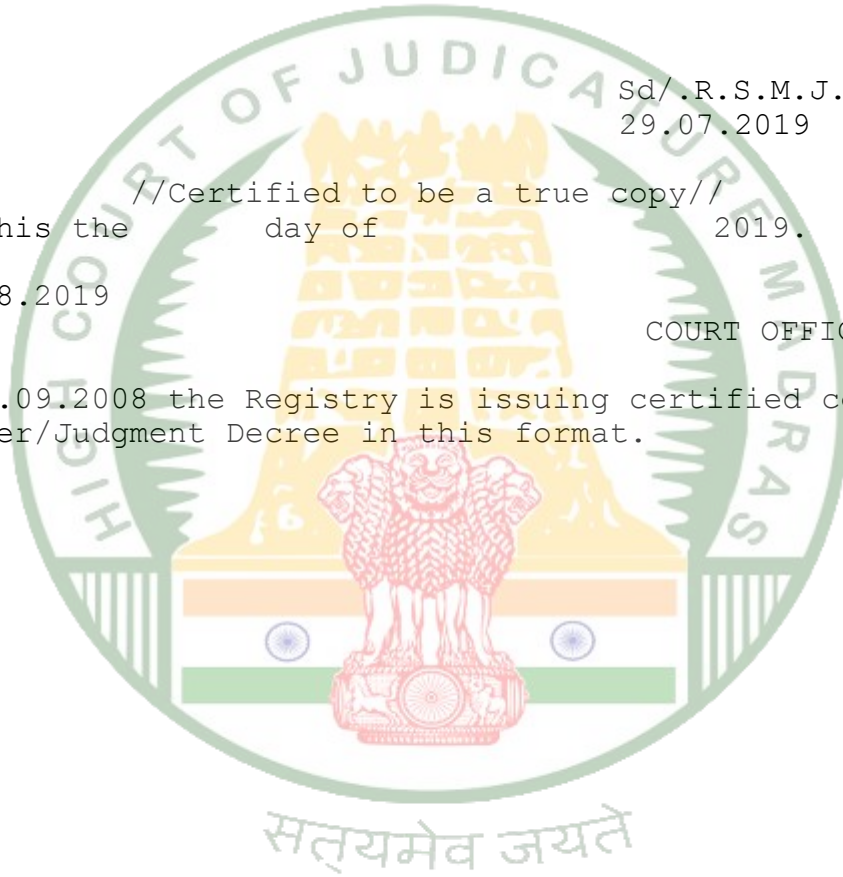
//Certified to be a true copy//

Dated this the day of 2019.

SU/08.08.2019

COURT OFFICER

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



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