IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P.No.556 of 2019

In the matter of Guardians and Wards Act, 1890
and
In the matter of Minor Haleema Mehraj aged 5 years, Date of Birth : 26.05.2014.

1. Mr.S.M.Jainudeen
S/o. Late Syed Ali Rowther
No.40, Labbai Street,
Pudupet, Chennai 600 002.

2. Mrs.Sowjath Begam
W/o. S.M.Jainiudeen
'Venus Suderson Apartment"
No.183/81, Secretariat Colony
6th Street, Kilpauk,
Chennai 600 010. : Petitioners

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Original Petition praying that this Hon'ble Court be pleased to a) Permit the first petitioner to sell the property of the minor more fully described in the schedule given hereunder.

b) Permit the first petitioner to invest the sale proceeds in another income yielding property.

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This Original Petition coming on this day before this Court for hearing, the Court made the following order:

The petitioners who are the parents of the minor Haleema Mehraj have come forward with this Original Petition seeking permission for sale of the property of the minor.

2. The 1st petitioner, father of the minor has been appointed as guardian of the minor by an order dated 03.01.2018 made in O.P.No.495 of 2017. The minor has got an extent of 1560 sq.ft of undivided share in the land of a total extent of 4251 sq.ft. The other share viz., 2691 sq.ft. of undivided share of the land have already been sold to the intending purchaser.

3. It is also claimed that in view of the Metro Rail Project, the property has lost its value and utility. It is also stated that the undivided share of the minor cannot be put to any profitable use and will not give a decent income.

4. The 1st petitioner has been examined as PW1. He has produced the birth certificate of the minor as Ex.P1 and the sale deeds in favour of the minor as Ex.P2, Ex.P3 and Ex.P4. The copy of the order passed in

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O.P.No.495 of 2017 has been marked as Ex.P5. The 1st petitioner has in his proof affidavit set out the reasons for sale of the property. It is also stated in the proof affidavit that the sale of the property has become absolutely necessary in view of the sale of the undivided share of the other co-owners. Considering the over all evidence, I find that the selling of the property will be for the benefit of the minor.

5. The purchaser has also been examined as PW3. He has filed the proof affidavit expressing his readiness to purchase the property.

6. In view of the above, this Original Petition is allowed granting permission to the petitioners to sell the property and invest the same in some other income yielding property. The 1st petitioner is directed to file an affidavit disclosing the re-investment of the sale proceeds in some other property along with evidence of such re-investment within a period of six (6) months from today.

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Sd/-R.S.M.J
27.08.2019

//Certified to be true copy//
Dated at Madras this the day of 2021.

JJ 30/03/2021 COURT OFFICER(O.S.)

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