

O.P.No.750 of 2019

K.KALYANASUNDARAM, J.,

This Petition has been filed under Section 8(2)(a) of the Hindu Minority Act (32 of 1956) r/w. Order XXI Rules 2 and 3 of Original Side Rules, seeking for grant of leave to the petitioner to sell the property mentioned in the Schedule including the minor's 1/2 share for her benefits and well being to any person or persons at a price not less than Rs.25,00,000/- and to execute and register the necessary conveyance.

2.The case of the petitioner is that the father of the minor child late Lurthuswamy died on 22.09.2012 leaving behind the petitioner and her minor daughter. The said late Lurthuswamy purchased a property at No.99, New No.19, Nanmangalam Village, Durga Nagar, St.Thomas Mount Panchayat measuring an extent of 940 sqft. out of 1860 sq.ft. and building measuring about 610 sqft. together with compound wall and registered the same as Document No.5404 of 2005 dated 09.11.2005 in Book No.1 in the office of the Sub-Registrar, Pallavaram, Chennai.

3.The petitioner would state that the petitioner is living in a rental house by paying a monthly rent of Rs.6,500/- per month excluding other necessary expenses. She had further stated that to provide better education

to her minor daughter and to make both ends meet, she decided to sell the property and the market value of the property is Rs.25,00,000/-, in which the minor's share would be Rs.12,50,000/-.

4. The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9:

Ex.P1 is the computer generated copy of the birth certificate of L.Disilviya, who was born on 21.06.2007.

Ex.P2 is the photocopy of the Aadhaar card of the minor daughter L.Disilviya bearing NO.5652 1110 4894 (Marked after comparing and verifying with the original).

Ex.P3 is the photocopy of my Aadhaar card bearing No.3459 7485 4102 (Marked after comparing and verifying with the original).

Ex.P4 is the photocopy of the death certificate of Lurthusamy, who died on 22.09.2012 (Marked after comparing and verifying with the original).

Ex.P5 is the computer generated copy of the Legal Heirship certificate dated 26.12.2018 in respect of Lurthusamy.

Ex.P6 is the photocopy of the Sale Deed dated 09.11.2005 in favour of Mr.A.Lurthusamy (Marked after comparing and verifying with the original).

Ex.P7 is the photocopy of the extract of patta (Marked after comparing and verifying with the original).

Ex.P8 is the original Rental Agreement dated 06.08.2019.

Ex.P9 is the original Engineer's Valuation Report dated 21.07.2019.

She has also stated that she has not filed any other petition before any other Court seeking the same relief.

5. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the relief as sought for in the petition.

6. In fine, this petition is ordered and the petitioner is permitted to sell 1/2 share of her minor daughter of the subject property. The petitioner is directed to deposit the amount of Rs.12,50,000/- [Rupees Twelve Lakhs Fifty Thousand only] from the sale proceeds of the minor's share in Indian Bank, Madras High Court Branch, Chennai in the name of the minor L.Disilviya in recurring deposit till she attained majority.

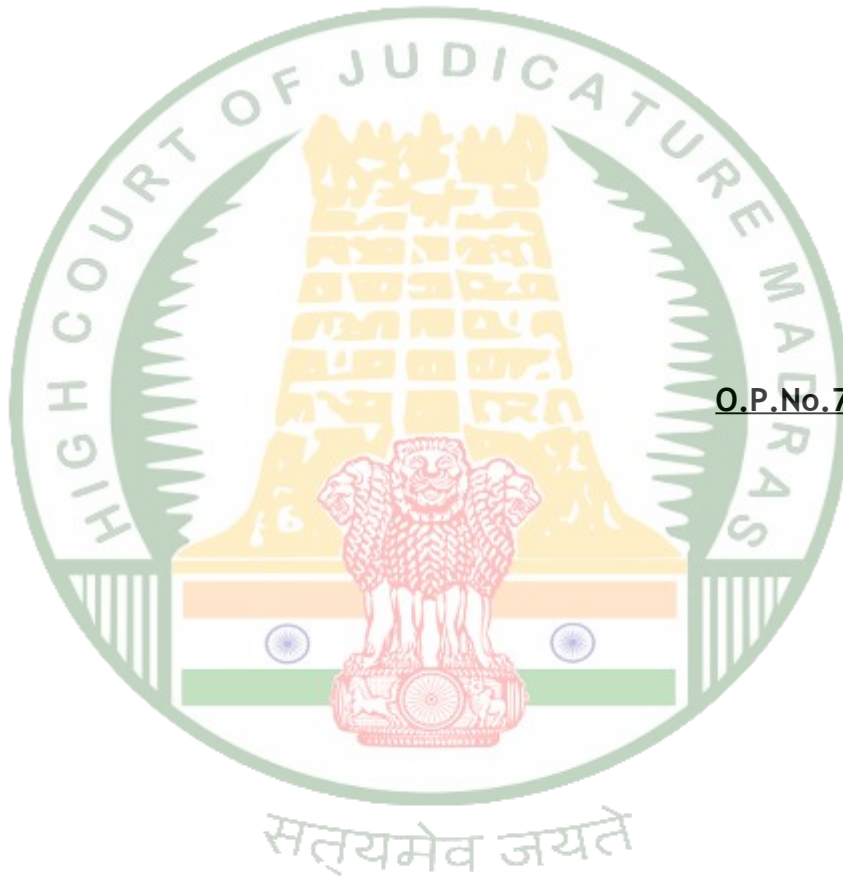
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