

O.P.No.749 of 2019

K.KALYANASUNDARAM, J.,

This Petition has been filed under Section 8(2) of the Hindu Minority Act (32 of 1956) r/w. Order XXI Rules 2 and 3 of Original Side Rules, seeking for permission to the petitioner to sell the minor's 50% undivided share in the property situate at Flat No.G-1, Balaji Enclave, Old Plot Nos.11 and 12, New Plot Nos.4 & 5, Old No.4/5, New No.7, Canara Bank Colony, Saligramam, Chennai - 600 093 morefully described in the Schedule hereunder and to execute and register sale deed in favour of the buyer on behalf of minor Master Nikhil Gopal, with further direction for depositing the minor's share in the sale consideration in any bank in the name of the minor Master Nikhil Gopal.

2.The case of the petitioner is that the petitioner and his minor son Master Nikhil Gopal are the absolute and joint owners of the property bearing Flat No.G-1, Balaji Enclave, Old Plot Nos.11 and 12, New Plot Nos.4 & 5, Old No.4/5, New No.7, Canara Bank Colony, Saligramam, Chennai - 600 093. The petitioner's wife late Deepa Gopal purchased the aforesaid property under a registered sale deed dated 21.02.2010 bearing Document No.911 of 2010. The petitioner's wife late Deepa Gopal died on 08.12.2018 leaving behind the petitioner and his minor son.

3.The petitioner would state that the during her lifetime the petitioner's wife was ailing for sometime and for her treatment the petitioner had spent all his savings and also borrowed money. He had further stated that he is under financial crisis due to his debt liabilities and he is not having the required funds to provide good education to his son and to make both ends meet, he decided to sell the property. It is further stated that Sale Agreement dated 25.06.2019 was entered into between the petitioner and one Smt.Sivananda Mahalakshmi who offered the best price of Rs.20,00,000/-.

4.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P8:

Ex.P1 is the photocopy of the Sale Deed dated 21.02.2010 in favour of my wife Mrs.Deepa Gopal registered as Doc.No.911 of 2010 at SRO, Virugambakkam (Marked after comparing and verifying with the original).

Ex.P2 is the computer generated death certificate of my wife Deepa Gopal who died on 08.12.2018.

Ex.P3 is the computer generated Legal Heirship certificate dated 25.01.2019 in respect of my wife Deepa Gopal.

Ex.P4 is the photocopy of my Aadhaar card (Marked after comparing and verifying with the original).

Ex.P5 is the photocopy of the Aadhar card in respect of my son Nikhil Gopal (Marked after comparing and verifying with the original).

Ex.P6 is the photocopy of the Agreement for Sale dated 25.06.2019.

Ex.P7 is the online Encumbrance certificate dated 27.07.2019 in respect of the schedule mentioned property in the petition.

Ex.P8 is the photocopy of the birth certificate in respect of my son Nikhil Gopal, who was born on 19.09.2007 (Marked after comparing and verifying with the original).

He has also stated that he 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 his minor son of the subject property. The petitioner is directed to deposit a sum of Rs.10,00,000/- [Rupees Ten Lakhs only] from the sale proceeds of the minor's share in Indian Bank, Madras High Court Branch, Chennai in the name of the minor Master Nikhil Gopal in recurring deposit till he attained majority.

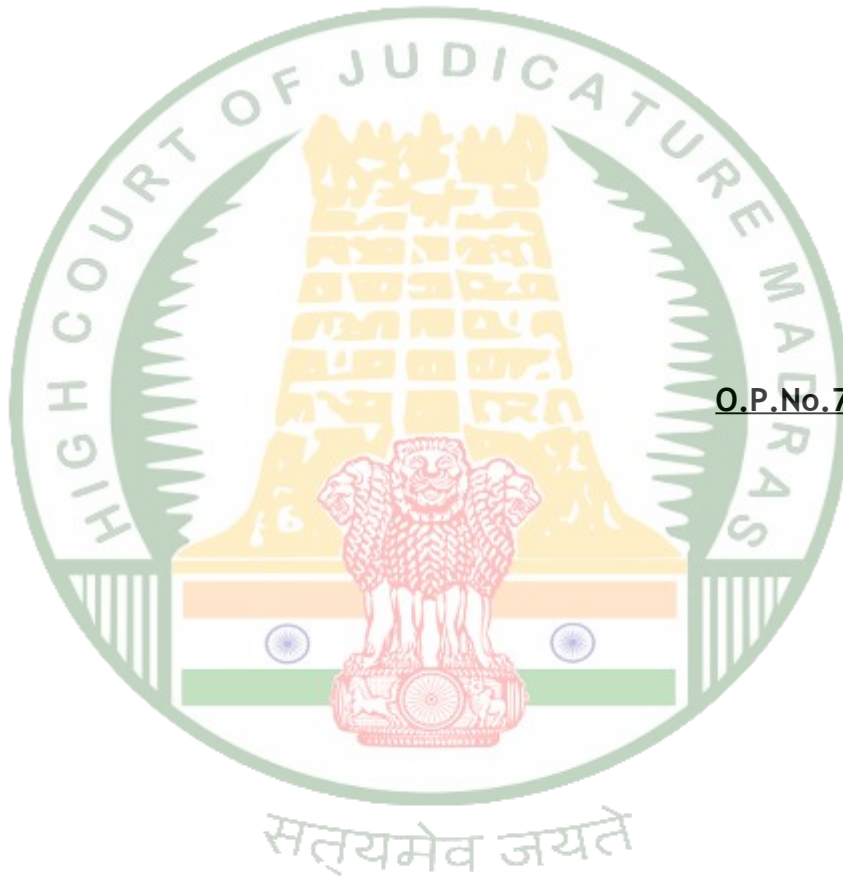
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