

O.P.No.35 of 2017

R.SUBRAMANIAN,J.

The petitioners seek permission to sell the property of the minor for his treatment of a disorder which is diagnosed as Congenital Ano Rectal Agenesis disease.

2. The property in question was purchased in the name of the minor on 03.10.2012. The petitioners were informed that the congenital disorder suffered by the minor child requires surgical rectification involving a huge expenditure. Unable to meet the huge expenditure, the petitioners seek permission to sell the property of the minor in order to meet the expenses of the treatment.

3. The disease, Congenital Ano Rectal Agenesis diagnosed is a birth disorder which is very rare. The children born with such disorder have problems in Bowel movement and the Anal rectum is not properly developed. The corrective measure is only by way of a major surgery which has to be performed by Specialized Surgeons.

4. The 1st petitioner who is the father of the minor child has been examined as PW1. He has produced the Birth Certificate of the minor child

as Ex.P1 and the Medical Records as Ex.P2. Certified copy of the sale deed dated 03.10.2012 under which the property was purchased in the name of the minor has been produced as Ex.P3. The encumbrance certificate has been produced as Ex.P5. The petitioners have entered into an agreement of sale on 11.02.2015 for sale of the property for a sum of Rs.15,00,000/-.

5. Upon query made by the court regarding the valuation of the property, the counsel for the petitioners has produced the guideline valuation which shows that the value of the property is about Rs.1005/- per sq.ft. The property measures about 882 sq.ft. Therefore, the cost as per the guideline value would be about Rs.8,86,000/-. The agreement of sale entered into is for Rs.15,00,000/-. I am therefore satisfied that the price at which the property is to be sold is fair and reasonable.

6. Considering the nature of illness and the fact that the illness requires specialized treatment, this application is allowed granting permission to the parents of the minor to sell the property under Section 8 of the Hindu Minority and Guardianship Act, though the Original Petition has been filed under Section 3, 7 to 10 and 29 of the Guardian and Wards Act. The prayer for appointing the petitioners as guardians of the person and

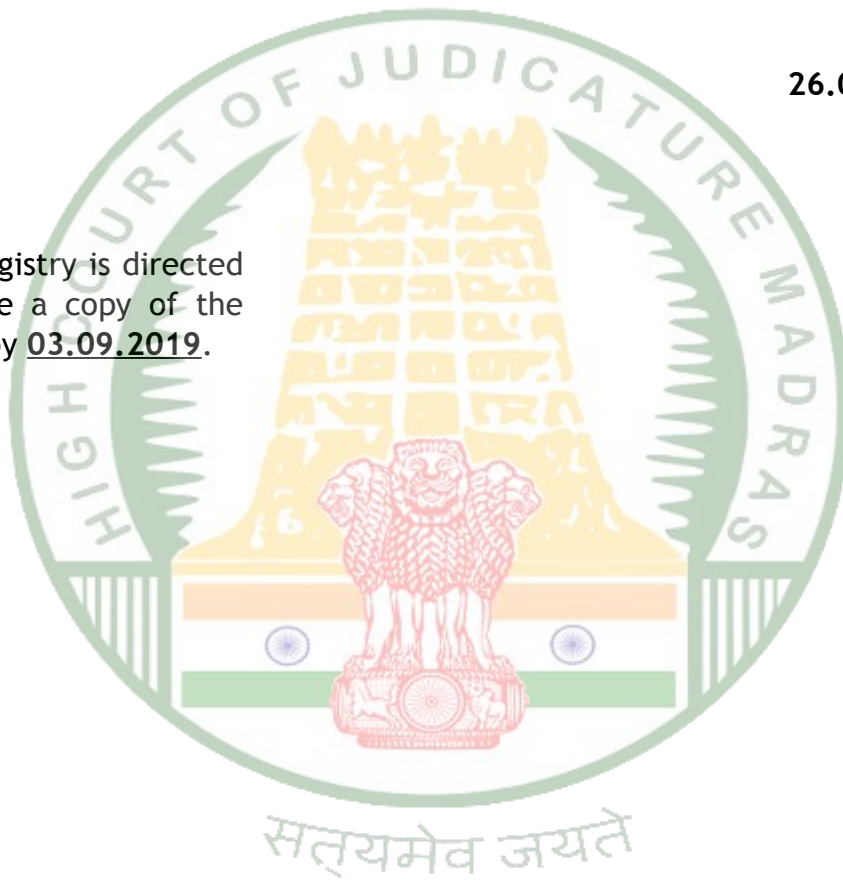
property of the minor is rejected, in view of the fact that the parties are Hindus and Section 6 of the Hindu Minority and Guardianship Act recognises the parents as the natural guardian of a Hindu minor.

26.08.2019

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Note:-

The Registry is directed to issue a copy of the order by 03.09.2019.

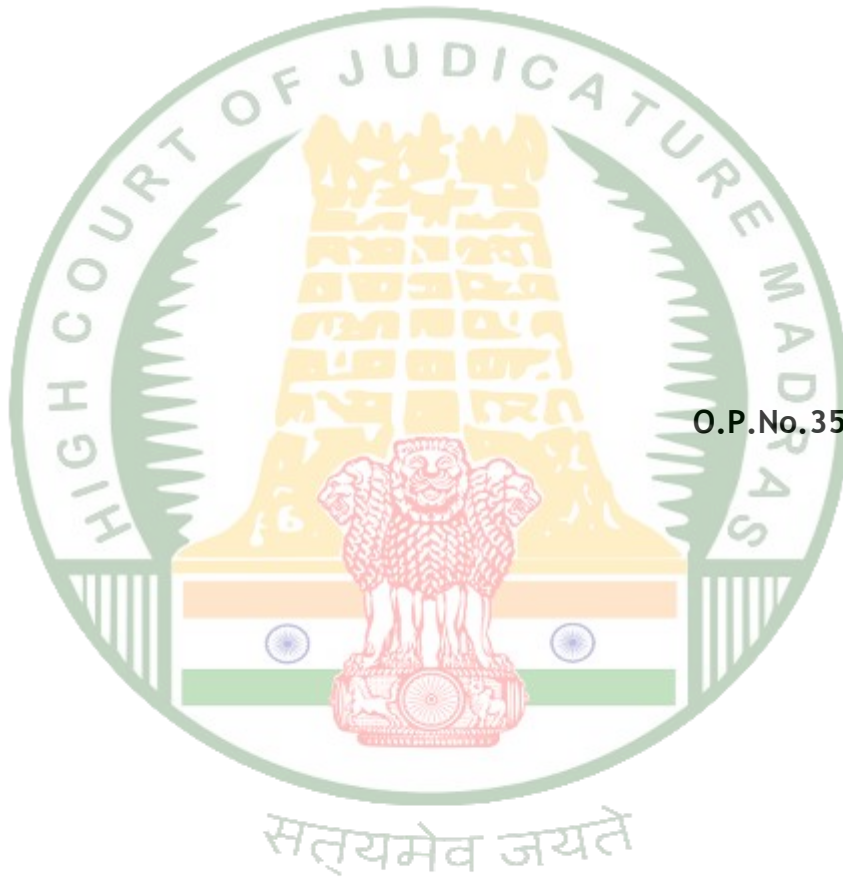


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