C.M.P.No.22304 of 2019
in
C.M.A.No. 2395 of 2017

R.SUBRAMANIAN, J.

By an order dated 08.08.2017 while allowing the appeal and permitting the appellants to sell the share of the minors in the property, the appellants were directed to deposit the minor's share of Rs.89,27,100/- in a fixed deposit in any one of the nationalized banks and put the deposit receipts in the custody of the District Court, Tiruppur. The said order has been complied with.

2. Now, the petitioners seek modification of the order in view of the fact that if the sale proceeds are deposited in a nationalized bank in an ordinary fixed deposit, the same will attract capital gains to the tune about Rs.17,00,000/. Therefore, a request is made to enable the petitioners to deposit the sale proceeds in the capital gains bonds so that it will be advantageous to the estate of the minors. I see no difficulty in granting the said permission in view of the fact that the minors will be benefited by such modification. Hence, the directions made in the order with reference to deposit of the sale proceeds is modified as follows:-

R.SUBRAMANIAN, J.

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The petitioners are permitted to take back the fixed deposit receipts bearing Nos. 261620535 and 261620540 issued by State bank of India, Lakshmi Nagar Branch, Tiruppur, foreclose the same and deposit the sale proceeds in the capital gains bonds for a period of five (5) years. After expiry of the 5 years, the proceeds of the bonds along with accrued interest shall be deposited in fixed deposit/s in any one of the nationalized banks and the fixed deposit receipts shall be put in custody of the District Court, Tiruppur till the minors attain majority. On purchase of the Capital gain bonds, the bonds shall be deposited with the Trial Court namely, District Court, Tiruppur. The District Court, Tiruppur is directed to return the fixed deposit receipts to the petitioners within 10 days from the date of receipt of a copy of this order either from this Court or from the petitioners. It is made clear that the petitioners are permitted to foreclose the fixed deposit and invest the proceeds in capital gains bonds as suggested supra.

21.10.2019

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Note: Issue order copy on 22.10.2019.

C.M.P.No.22304 of 2019
in
C.M.A.No.2395 of 2017