

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 01.04.2019	Delivered on 24.04.2019
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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.Nos.1058, 1059 and 1060 of 2018

J.Vairamuthu ... Petitioner in OP No.1058/2018

R.Shanmuga Priya ... Petitioner in OP No.1059/2018

P.Narmatha ... Petitioner in OP No.1060/2018

Prayer: Original Petitions filed under Sections 3, 7 to 10 and 29 of the Guardian and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, praying that

in OP No.1058/2018:

(a) the petitioner J.Vairamuthu may be appointed as Guardian of the person and property of the minor V.Shrinidhi, fully described in the schedule. That the petitioner herein may be permitted to sell the share of the minor in the land described in schedule hereunder for on behalf of the minor as her guardian. (b) To permit the petitioner to invest the sale proceeds in the name of the minor in any nationalised bank. (c). permit the petitioner to receive the interest from the deposit for the expenses of the minor.

in OP No.1059/2018:

(a) the petitioner R.Shanmuga Priya may be appointed as Guardian of the person and property of the minor R.Mathan Kumar, fully described in the schedule. (b) That the petitioner herein may be permitted to sell the proportionate 1/2th share of the minor in the 50 percent share of the land described in schedule hereunder for on behalf of the minor as his guardian. (c) To permit the petitioner to invest the sale proceeds in the name of the minor in any nationalised bank. (d). permit the petitioner to receive the interest from the deposit for the expenses of the minor.

in OP No.1060/2018:

(a) the petitioner P.Narmatha may be appointed as Guardian of the person and property of the minor P.Surya, fully described in the schedule. (b) That the petitioner herein may be permitted to sell the proportionate 1/2th share of the minor in the 50 percent share of the land described in schedule hereunder for on behalf of the minor as his guardian. (c) To permit the petitioner to invest the sale proceeds in the name of the minor in any nationalised bank. (d). permit the petitioner to receive the interest from the deposit for the expenses of the minor.

For Petitioner : Mr.N.S. Nandakumar
(in all the petitions)

ORDER

All these Original Petitions have been filed seeking permission for the sale of the shares of the minors in the properties situated Door Nos.68/1 and 68/2, Thirumalai Pillai Road, T.Nagar, Chennai 600 017. The petitioner in OP No.1058 of 2018, is the father of minor V.Shrinidhi, the petitioner in OP No.1059 of 2018, is the mother of minor R.Mathan Kumar and the petitioner in OP No.1060 of 2018, is the mother of minor P.Surya.

2. According to the petitioners, the properties subject matter of the Original Petitions namely, Door Nos. 68/1 and 68/2, Thirumalai Pillai Road, T.Nagar, Chennai 600 017, belonged to one T.P.Muthulakshmi and P.K.Muthuramalingam. While T.P.Muthulakshmi bequeathed her property under a Will dated 24.09.2007, in favour of the petitioner in OP No.1058 of 2018 giving him a life estate and the vested remainder was to be taken by his sons and daughters after his life time.

3. Mr.P.K.Muthuramalingam, executed a Will dated 24.09.2007 bequeathing his property also in favour of the petitioners in all the three Original Petitions namely, J.Vairamuthu, R.Shanmuga Priya and P.Narmatha respectively and giving them a life estate and the vested remainder to their children. This Court had issued the Letters of Administration for both the said Wills.

4. It is submitted that the building in the said property had become dilapidated and is not fetching any income. The petitioners are finding it difficult to maintain the property as well as the minor children. Hence, they have come forward with these petitions, for appointing them as guardians and permit them to sell the share of the minors, so that the same will be reinvested suitably, in order to take care of the maintenance as well as the education expenditure of the minors.

5. All the petitioners have been examined in the respective Original Petitions. They have also filed a guideline value as well as the comparable Sale Deeds. Since the price for which the property was sought to be sold was less than the guideline value, I had required the petitioners to produce three Sale Deeds from the same street or nearby localities. The petitioners have also produced three Sale Deeds and the value of the property reflected in the said Sale Deeds is more or less the same as the value reflected in the agreement of sale entered into by the petitioners. The valuation report has also been filed.

6. From the evidence on record, I am satisfied that the sale of the properties as requested by the petitioners would be in the interest of the minors. Therefore, all these

Original Petitions are allowed, appointing the petitioners therein as guardians for the respective minors and permitting them to sale the property, pursuant to the agreements entered into by them.

7. The minors' shares shall be deposited in fixed deposit till the minors attain majority in Indian Bank, High Court Branch. The fixed deposit receipts shall be lodged with the Registrar General of this Court for the safe custody.

Sd./-R.S.M.J
24.04.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 04/07/2019

COURT OFFICER(O.S.)
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