

O.P.No.534 of 2020**N.SATHISH KUMAR, J.**

This Petition has been filed under Sections 8(2) of the Hindu Minority and Guardianship Act 1956 R/W Section 9 of the Guardians and Wards Act 1890 read with Order 21 Rule 12 of Original Side Rules to grant permission for the petitioner to develop the petition Schedule B mentioned property belonging to the share of the petitioner's minor daughter Miss. Srinidhi Venkatesh, who is aged 11 years, through M/s.SYA Homes, Developer and to grant permission for the petitioner to sell and register the petition Schedule C mentioned property belonging to the share of the petitioner's minor daughter Miss.Srinidhi Venkatesh, who is aged 11 years in favour of the prospective purchaser(s) of M/s.SYA Homes, the Developer, under one or more Undivided Share Sale Deeds.

2. The case of the petitioner is that Mrs.T.S.Bhanusri wife of Petitioner and mother of the Miss.Srinidhi Venkatesh, a Minor aged about 11 years, died intestate on 29.01.2017, leaving behind husband, the petitioner herein and her minor daughter as her legal heirs as evidenced by

the Legal Heir Ship Certificate, issued by Mambalam-Guindy Taluk. He further submits that the above said M/s.SYA Homes represented by Mr.R.Mohan, has in principle agreed for taking the said property on joint development basis and accordingly entered into the said Agreement for Development dated 30.07.2020, however subject to a condition that Mr.R.Venkatesh, the petitioner herein shall obtain necessary permission from this Court by filing this present petition to deal with Miss.Srinidhi Venkatesh's share, who is a minor aged about 11 years. The share of minor daughter Miss.Srinidhi Venkatesh from and out of the petition Schedule A mentioned property is 50% and the same is morefully described in petition Schedule B mentioned hereunder and out of the said petition Schedule B mentioned property, it has been agreed that 55% share from and out of the petition Schedule mentioned property has been agreed to be conveyed in favour of the prospective purchasers of the said Developer.

3. On the side of the petitioner, the petitioner examined himself as P.W.1 and marked Ex.P.1 to Ex.P.6.

4. P.W.1 in his evidence has stated that he is the petitioner herein. He has filed his proof affidavit stating the facts of this case and the same may be treated as part and parcel of her examination in chief. In continuation of his proof affidavit, the following documents were marked as exhibits on his side.

Ex.P.1 is the certified copy of the Settlement Deed dated 30.10.2014 executed in favour of T.S.Bhanusri. Ex.P.2 is the computer generated copy of the death certificate of Bhanusri who died on 29.01.2017. Ex.P3 is the computer generated copy of the Legal Heirship Certificate dated 01.02.2019 in respect of Bhanusri. Ex.P.4 is the photocopy of the agreement for development dated 30.07.2020. Ex.P5 is the photocopy of birth certificate of Srinidhi, who was born on 01.02.2009. Ex.P6 is the photocopy of the Aadhar Card of the petitioner bearing No.652419006286.

5. Having regard to the nature of the allegation that the minor's property will not fetch any income, hence, the father of the child in order to augment the income from the minor's property only for the benefit of the minor. Taking note of the fact that the interest of the minor will be

protected by developing the property. I am of the opinion that the petitioner is entitled for the reliefs as sought for in the petition.

6. Accordingly, this petition is ordered, the petitioner is permitted to sell the share of the minor Srinidhi Venkatesh in the B and C schedule mentioned properties in favour of M/s.SYA Homes,Dveloper under one or more undivided share sale deeds and the share of the minor shall be deposited in fixed deposit in any of the nationalized bank till the minor attains majority. The petitioner shall produce a copy of the deposit receipt within one month from the date of the execution of the sale deed in favour of the purchasers and the petitioner shall receive the accrued interest from the deposit for the purpose of the education of the minor Srinidhi Venkatesh.

सत्यमेव जयते

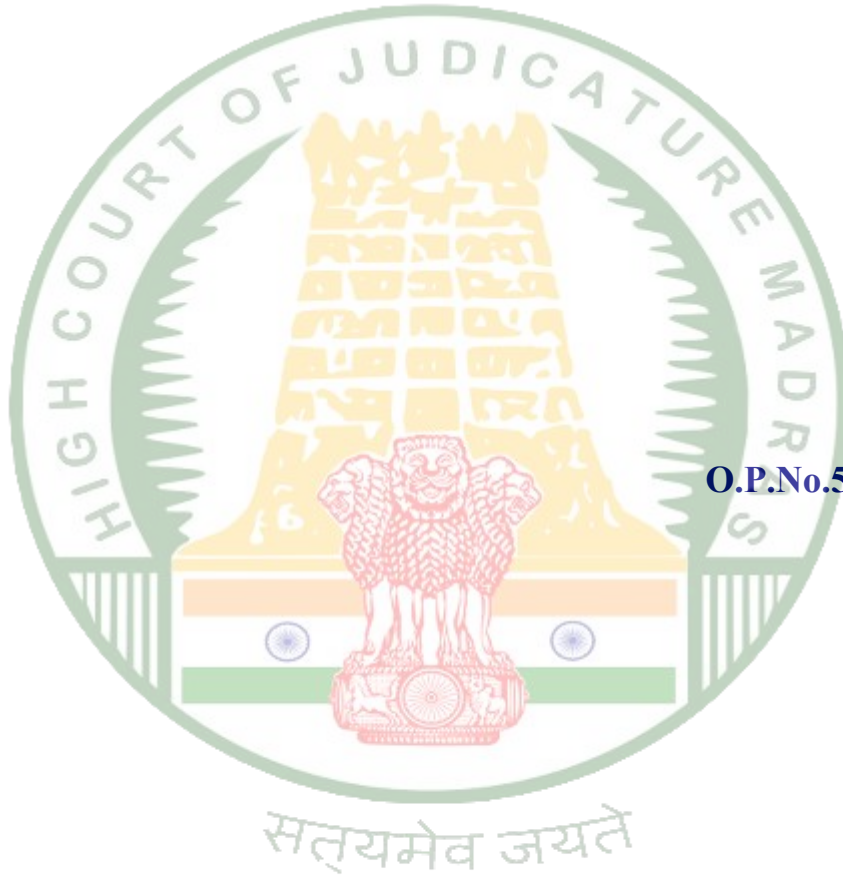
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