

O.P. No. 909 of 2019

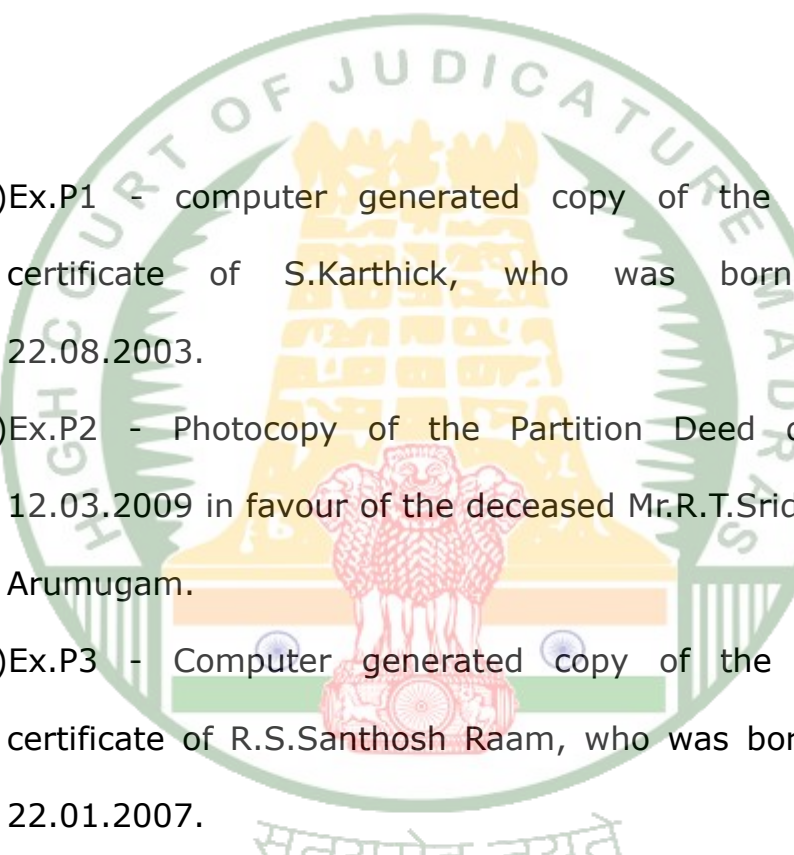
SENTHILKUMAR RAMAMOORTHY, J.

This petition is filed for permission to sell the minors' property as specified in the schedule and deposit the sale proceeds in the name of the minors in any nationalised Bank till the purchase of another property.

2. I heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that the petitioner's husband, the late Mr. R.T.Sridar died on 24.06.2014 and that he is survived by the petitioner and their two minor sons as the Class-I legal heirs. He further submitted that the petitioner's husband became the owner of the property described in the schedule to the petition by virtue of a partition deed dated 12.03.2009. He also pointed out that after the death of the petitioner's husband, through the settlement deed dated 17.04.2017, the petitioner's share in the property was settled in favour of her minor sons.

3. The learned counsel also submitted that it has become necessary to sell the schedule mentioned property so as to subsequently purchase a property which is closer to the school in which the two minor sons are studying. He also submitted that the petitioner is incurring substantial expenses by way of tuition fees for

their education and that therefore, the present petition has been filed. He also pointed out that evidence was adduced in support of the petition and that the petitioner was examined as P.W.1. He pointed out that the following 9 documents were exhibited through P.W.1:

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- (1)Ex.P1 - computer generated copy of the birth certificate of S.Karthick, who was born on 22.08.2003.
- (2)Ex.P2 - Photocopy of the Partition Deed dated 12.03.2009 in favour of the deceased Mr.R.T.Sridar @ Arumugam.
- (3)Ex.P3 - Computer generated copy of the birth certificate of R.S.Santhosh Raam, who was born on 22.01.2007.
- (4)Ex.P4 - Computer generated copy of the death certificate of Mr. R.T.Sridhar, who died on 24.06.2014.
- (5)Ex.P5 - Photocopy of the Legal Heirship certificate dated 25.09.2014 in respect of the deceased Mr.R.T.Sridhar.
- (6)Ex.P6 - Photocopy of the Settlement Deed dated

17.04.2017 in favour of the minor sons of P.W.1.

(7)Ex.P7 - Photocopy of Aadhaar card of P.W.1 bearing No.6918 6525 9609.

(8)Ex.P8 - Photocopy of the Aadhaar card of P.W.1's minor son Karthick bearing No.3402 9354 1245.

(9)Ex.P9 - Photocopy of the Aadhaar card of P.W.1's minor son Santhosh bearing No.3082 4358 9306.

3. Upon considering the submissions of the learned counsel and on examining the evidence recorded in this case, I find the following:

- i. The petitioner's husband, the late Mr.R.T.Sridar died on 24.06.2014 as evidenced by Ex.P1.
- ii. The legal heirship certificate dated 25.09.2014 reflects the names of the petitioner and her two minor sons as the only surviving class-I legal heirs of the late Mr.R.T.Sridar.
- iii. The birth certificates of the two minor sons have been filed as Exs.P1 and P3.

4. Based on the aforesaid, it is clear that the petitioner is entitled to the relief requested because she is supporting her two

minor sons and incurring expenses in that regard, including towards their education. However, the interest of the minor is also required to be protected by ensuring that the sale proceeds are deposited in a Fixed Deposit Account in their names.

6. Accordingly, this petition is allowed by granting permission to the petitioner to sell the property described in the schedule to the petition subject to the condition that the entire sale proceeds shall be deposited by way of a Fixed Deposit in any Nationalised Bank. Once the deposit is made, the petitioner shall file a memo including a copy of the Fixed Deposit receipts in the Registry. The Registry is directed to list this petition under the caption for reporting compliance thereafter.

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02.01.2020

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