



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 2ND DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V. PARTHIBAN

O.P. No. 160 of 2021

In the matter of Hindu Minority
and Guardianship Act, 1956

and

In the matter of:
Shreyas Raja – Minor.

Smt. Lakshmi Raja,
W/o. Late P.V.Raja,
Block No.1, F-3, Ananya Ashok Apartments,
No. 15, Bhakthavatsalam Road,
Mylapore, Chennai – 600 004. ...Petitioner

Original Petition praying that this Hon'ble Court be pleased to permit the Petitioner to sell the schedule mentioned property on behalf of the minor Shreyas Raja and to purchase a flat at Block No.1, Flat No.12, 3rd Floor, Ananya Ashok Apartments, New No.15, Old No.5 (previously Door No.5, Old No.4), Warren Road, Mylapore, Chennai-600 004 in the joint names of the petitioner, her daughter Harshitha Raja and the minor Shreyas Raja.

This Original Petition coming on this day before this court for



Kumaar & Associates, Advocates for the petitioner herein and upon reading the petition filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein and it is ordered:-

That the petitioner herein be and is hereby permitted to sell the property morefully set out in the schedule hereunder on behalf of the minor Shreyas Raja and to purchase a flat at Block No.1, Flat No.12, 3rd Floor, Ananya Ashok Apartments, New No.15, Old No.5 (previously Door No.5, Old No.4), Warren Road, Mylapore, Chennai-600 004 in the joint names of the petitioner, her daughter Harshitha Raja and the minor Shreyas Raja.

Schedule

All that piece and parcel of residential Flat No.202, in the Second Floor, in "A" Block, present BBMP Municipal No.80/18, PID No.72-3-80/18, measuring about 940 Sq.Ft. built up area, containing two bed rooms, together with RCC Roofing, Mosaic flooring together with one covered car parking Space one number (double) including proportionate share in common areas such as passages, lobbies, staircase, lift, amenities etc. in the multi-storied residential building known as "Admiralty Avenue", constructed over all that piece and parcel of the property bearing Municipal No.80, situated at 13th Cross, Appareddypalya,



administrative jurisdiction of BBMP and measuring 57825 sq.ft along with 514 sq,feet of undivided share of land in the total land measuring 57825 Sq.Ft and bounded on:

East by : Road

West by : Admiralty Manor Project

North by: 51 feet wide Road

South by : Road

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 2ND DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR(O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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12/08/2021

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O.P. No. 160 of 2021

ORDER

DATED : 02.08.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 16/08/2021

APPROVED ON: 17/08/2021

Office to note:-

Registry is directed to return the original documents presented by the petitioner, after replacing the same with a xerox copy.

Copy To:-

The Sub-Assistant Registrar,
Original Side, High Court, Madras.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

O.P.No.160 of 2021

Smt.Lakshmi Raja,
W/o Late P.V.Raja

.. Petitioner

Original Petition (O.P.) filed under Section 8(2) of the Hindu Minority and Guardianship Act, read with Order XXI Rules 2 and 3 of the Original Side Rules of this Court, praying to sell the schedule mentioned property on behalf of the minor Shreyas Raja and to purchase a flat at Block No.1, Flat No.12, 3rd Floor, Ananya Ashok Apartments, New No.15, Old No.5 (previously Door No.5, Old No.4), Warren Road, Mylapore, Chennai-600 004 in the joint names of the petitioner, her daughter Harshitha Raja and the minor Shreyas Raja.

Schedule property

All that piece and parcel of residential Flat No.202, in the Second Floor, in "A" Block, present BBMP Municipal No.80/18, PID No.72-3-80/18, measuring about 940 Sq.Ft. built up area, containing two bed rooms, together with RCC Roofing, Mosaic flooring together with one covered car parking Space one number (double) including proportionate share in common areas such as passages, lobbies, staircase, lift, amenities etc. in the multi-storied residential building known as "Admiralty Avenue", constructed over all that piece and parcel of the property bearing Municipal No.80, situated at 13th Cross, Appareddypalya, Corporation Ward No.72, Indiranagar, Bangalore, presently under the



administrative jurisdiction of BBMP and measuring 57825 sq.ft along with 514 sq,feet of undivided share of land in the total land measuring 57825 Sq.Ft and bounded on:

East by : Road

West by : Admiralty Manor Project

North by: 51 feet wide Road

South by : Road

For petitioner : Mr.E.Senthil Kumar for M/s.Sampathkumaar & Associates

ORDER

The present application has been filed by the petitioner to permit her to sell the schedule mentioned property on behalf of the minor Shreyas Raja and to purchase a flat at Block No.1, Flat No.12, 3rd Floor, Ananya Ashok Apartments, New No.15, Old No.5 (previously Door No.5, Old No.4), Warren Road, Mylapore, Chennai-600 004 in the joint names of the petitioner, her daughter Harshitha Raja and the minor Shreyas Raja.

2. It is the case of the petitioner that she is the mother of the minor Shreyas Raja. The petitioner married Mr.P.V.Raja and out of their wedlock, two children were born, namely Harshitha Raja and Shreyas Raja.



The petitioner's daughter Harshitha Raja is now aged about 19 years and the minor Shreyas Raja was born on 08.09.2008 at St.Isabel Hospital, No.49, Oliver Road, Mylapore, Chennai-600 004. The minor Shreyas Raja is aged 12 years and studying 6th Standard in the Grove School, C.P.Ramaswamy Aiyar Foundation, No.1, Eldams Road, Alwarpet, Chennai-600 018, which is well within the jurisdiction of this Court. The husband of the petitioner died on 06.04.2019 leaving behind the following persons as his only legal heirs:

- (i) Lakshmi Raja - wife (petitioner herein)
- (ii) Harshitha Raja - Daughter
- (iii) Shreyas Raja - son (the minor herein).

3. The husband of the petitioner purchased the residential flat in the multi-storied residential building known as "Admiralty Avenue" at Flat No.202, in the Second Floor, "A" Block, bearing Municipal No.80, 13th Cross, Appareddypaiya, Corporation Ward No.72, Indira Nagar, Bangalore-560 038, measuring about 940 Sq.Ft. built up area along with 514 Sq.Ft. undivided share out of 57825 Sq.Ft. with covered car parking, from Mr.V.Sureshram and Mrs.S.Vaijyanthi, vide registered sale deed dated 09.06.2016 bearing Doc.1904/20161974 in the SRO, Shivajinagar



above said property when he was residing at Bangalore along with the petitioner herein. Thereafter, he shifted his residence to Chennai and was residing at D1, Gayathri Apartments, No.27/28, Warren Road, Mylapore, Chennai-600004. Till his death, he was residing there. After the demise of Mr.P.V.Raja, the petitioner and her children shifted to the present address where the petitioner is residing now. After the demise of P.V.Raja, the petitioner and her children had inherited his property at Bangalore. Mr.P.V.Raja died intestate on 06.04.2019. The petitioner, her daughter Harshitha Raja and the minor Shreyas Raja have become the absolute owners of the schedule mentioned property.

4. The petitioner is paying huge rent for the flat where she is residing now. She cannot afford such a huge amount every month, as she has to spend money towards education of her children also, and she intended to dispose of the property at Bangalore and purchase a flat in the third floor of the very same apartment. Accordingly, she offered to sell the property at Bangalore to Smt.Vidya Priyadarshini, wife of Madhnusudan Ramakrishnan for a total sale consideration of Rs.1,30,00,000/-. She had paid an advance of Rs.10,00,000/-. An agreement of sale has also been entered into between the petitioner and



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5. The petitioner has also entered into an agreement for sale with one Mr.R.Srikanth, son of R.Rajagopalan on 12.01.2021 to purchase a flat, Block I, Flat No.12, measuring about 1050 Sq.Ft. in Ananya Ashok Apartment, 15, Warren Road, Mylapore, Chennai-600 004, for total sale consideration of Rs.1,21,00,000/- and a sum of Rs.10,00,000/- has been paid towards advance by the purchaser of Bangalore property. Smt.Vidya Priyadarshini, who agreed to purchase the property at Bangalore, has approached HDFC Bank for home loan. She has been directed to obtain permission from the competent Court to sell the minor's share in the property. Accordingly, she has approached the petitioner to obtain permission to sell the minor's share from this Court, since the petitioner and minor are residing well within the jurisdiction of this Court.

6. The petitioner undertakes to get the sale deed executed in respect of the property at Chennai, in the joint names of herself, her daughter Harshitha Raja and minor Shreyas Raja, after selling the Bangalore property. By purchase of the flat at Chennai, she can avoid payment of rent every month to a third party and she can comfortably educate her children education and save certain amount to protect their

future. The minor is a very bright student and needs to be encouraged in



his pursuit for higher education. In the interest of the minor, the petitioner being the natural guardian, she may be permitted to sell the minor's share. Such appointment and permission is necessary for the present and future welfare of the minor. No guardian of the minor has been appointed by any person and no application has at any point been made to this Court or to any other Court with respect of guardianship of the above said minor. Hence, the petitioner has filed the present petition for the relief stated supra.

7. The petitioner examined herself as P.W.1 and marked Exs.P-1 to P-9. Ex.P-1 is the computer generated Birth Certificate of minor Shreyas Raja, who was born on 08.09.2008. Ex.P-2 is the original sale deed, dated 09.06.2016 executed in favour of Mr.P.V.Raja. Ex.P-3 is the computer generated Death Certificate of P.V.Raja, who died on 06.04.2019. Ex.P-4 is the computer generated Family Tree, dated 01.07.2019. Ex.P-5 is the original sale agreement, dated 08.01.2021 entered into between Mrs.Lakshmi Raja and Mrs.Vidya Priyadarshini.N. Ex.P-6 is the original sale agreement dated 23.04.2021 entered into between Mr.R.Srikanth and Mrs.Lakshmi Raja. Ex.P-7 is the declaration of willingness given by the petitioner. Ex.P-8 is the original Valuation Report, dated 10.03.2021. Ex.P-9 is the original Valuation Report, dated



11.03.2021.

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8. This Court heard the submissions made by the learned counsel appearing for the petitioner and perused the entire materials available on record.

9. Considering the averments made in the petition and on perusing the materials available on record, this Court is of the opinion that the petitioner is entitled for the relief as sought for in this petition.

10. In fine, the petition is ordered as prayed for, permitting the petitioner to sell the schedule mentioned property on behalf of the minor Shreyas Raja and to purchase a flat at Block No.1, Flat No.12, 3rd Floor, Ananya Ashok Apartments, New No.15, Old No.5 (previously Door No.5, Old No.4), Warren Road, Mylapore, Chennai-600 004 in the joint names of the petitioner, her daughter Harshitha Raja and the minor Shreyas Raja.

Sd./-V.P.N.J.
02.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

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