

O.P.No.419 of 2020

R.PONGIAPPAN, J.

This Petition has been filed under Sections 3 and 7 to 10 and 29 of the Guardians and Wards Act, 1980 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the petitioner as the Guardian of the person and property of minor viz., Mohamed Sakhil S.D., and to permit the petitioner to sell the 21.88% undivided share of the minor over the schedule mentioned property to the proposed purchaser for a sale consideration of Rs.60,00,000/-.

2. The case of the petitioner is that the petition mentioned property is a premises bearing Municipal Old Door No.13, New Door No.9, Sulthan Street, Chennai – 600 001, comprised in Old Survey No.2927, Re-Survey No.3946, Block No.34 of VOC Nagar Division, Purasawalkam Taluk, Chennai District, measuring an extent of 1904.5 sq.ft. The said property was originally purchased by her husband Mr.Shaik Dawood on 26.04.1974. The said Mr.Shaik Dawood died intestate on 26.07.2006 leaving behind the petitioner viz., A.Aseem, Mr.S.D.Amenu, Mr.Aslam S.D. Mr.Junaid Ahamed S.D and Mohamed Sakhil S.d, the minor son, as his legal heirs to succeed his estate. Since the petitioner

wants to utilise the money for the welfare of the minor, she has filed the present petition for the relief stated supra.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and marked eight documents as Exs.P.1 to P.8.

4. P.W.1 in her evidence has stated that the minor Mohamed Sakhil S.D., was born to the petitioner and her husband Mr.Shaik Dawood on 30.07.2003. Ex.P1, is the copy of the birth certificate of the minor Mohamed Sakhil S.D. Ex.P4, is the copy of the sale deed dated 26.04.1974, which stands in the name of the deceased Shaik Dawood. Ex.P6 is the original death certificate of the said Mr.Shaik Dawood. Ex.P7 is the copy of the legal heirship certificate of the deceased. Ex.P7, shows the names of the petitioner and other legal heirs of the deceased Shaik Dawood.

5. It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of his maintenance and education, she had entered into an agreement of sale dated 26.10.2020, with the proposed purchaser, who is ready to

purchase the property for Rs.60,00,000/- and that she had also received an advance of Rs.25,000/-. Ex.P8 is the willingness of the petitioner to accept the office of guardianship in respect to the minor Mohamed Sakhil S.D.

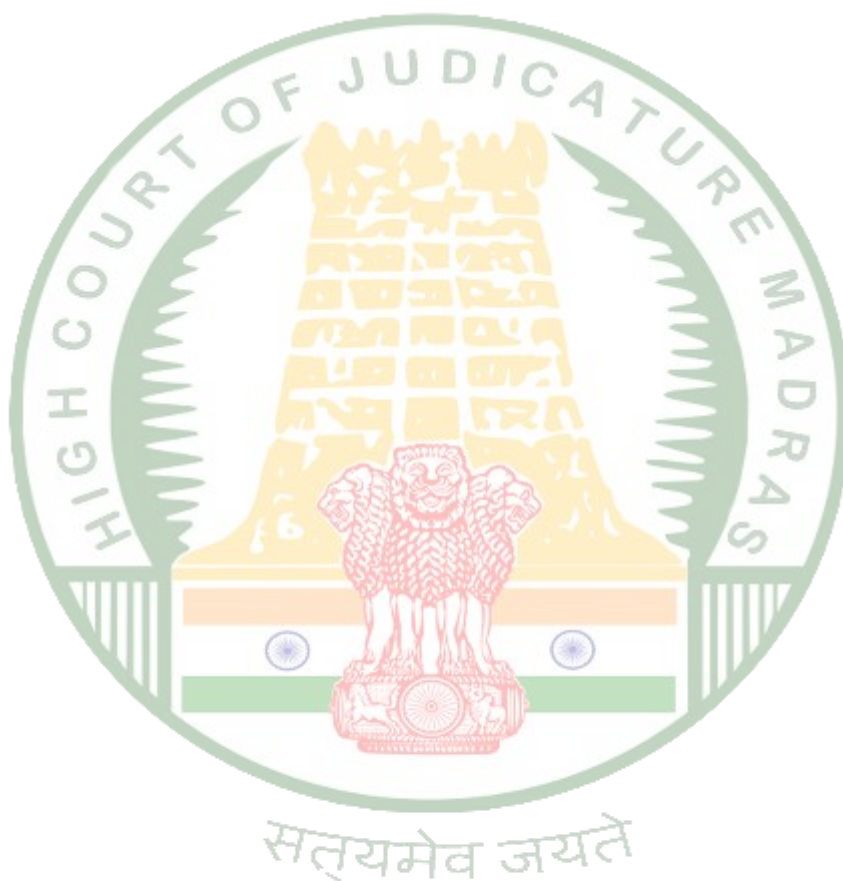
6. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the reliefs as sought for in the petition.

5. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the minor Mohamed Sakhil S.D. The petitioner is also permitted to sell the 21.88% undivided share of the minor Mohamed Sakhil S.D., over the schedule mentioned property to the proposed purchaser for a sale consideration of Rs.60,00,000/- and the share of the minor shall be deposited in a 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 purchaser and the petitioner shall receive the accrued interest from the deposit for the purpose of the education of the minor Mohamed Sakhil S.D. The petitioner

shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

07.01.2021

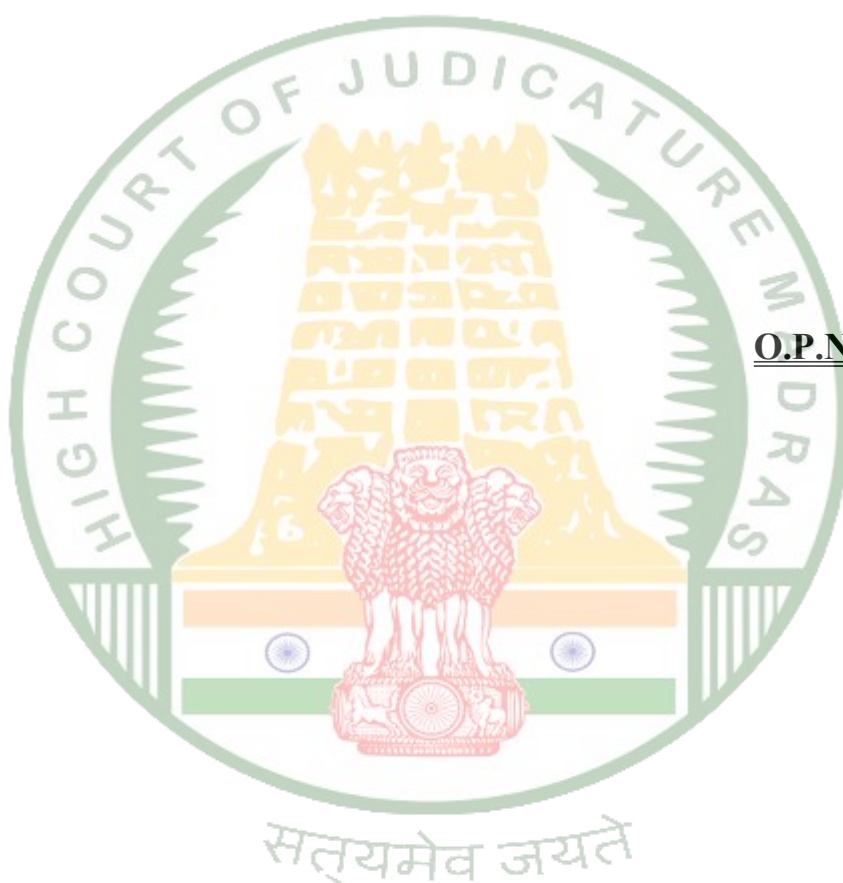
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