

O.P.No.338 of 2020

R.PONGIAPPAN, J.

This Petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956 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., C.Unnamalai, and to permit the petitioner to sell the 1/2 share of the minor over the schedule mentioned property to M/s.Johitha Homes, represented by its Proprietor Mr.V.Amarnadha Reddy, S/o.Mr.Jayachandra Reddy, for construction of flats and for sale consideration of Rs.50,00,000/-, as per the Joint Venture Agreement dated 21.12.2019.

2. The case of the petitioner is that her husband N.Chidambaram, purchased the petition mentioned property on 17.07.1985, vide Document No.2428 of 1985. The petition mentioned property is a vacant land measuring about 9.85 cents comprised in Survey No.260/1A1, situated at Porur Village, Saidapet Taluk, Chengalpet District, now Madhuravoyal Taluk, Chennai District. The said N.Chidambaram died on 14.12.2017, leaving behind the petitioner and the minor child as his Legal Heirs. Both the petitioner and her minor child, are

entitled to $\frac{1}{2}$ share each in the petition mentioned property. The parents of the deceased predeceased him. 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 twelve documents as Exs.P.1 to P.12. The Developer/Promoter viz., Mr.V.Amarnadha Reddy, was examined as PW2.

4. P.W.1 in her evidence has stated that the minor C.Unnamalai, is the adopted daughter to the petitioner and to her husband N.Chidambaram. In order to prove the same, the copy of the Adoption Deed dated 27.05.2005 was marked as Ex.P3. Ex.P2, is the original birth certificate of the minor child. Original name of the minor child C.Unnamalai, is Meenakshi and she was born on 01.06.2003 to one Ganesan and Prema. In respect to the change of name of the minor child, Gazette publication has been published on 27.07.2005 and the same has been marked as Ex.P4. The petitioner has produced the copy of the sale deed dated 17.07.1985, through which the husband of the petitioner, the deceased N.Chidambaram, purchased the petition mentioned property, from one S.Sivakami,

who is the original owner of the property as Ex.P1. The petitioner has further produced the copy of the death certificate of N.Chidambaram, which shows that the said N.Chidambaram was died on 14.12.2017 at Hande Hospital, Chennai. Ex.P7 is the Legal Heir certificate of the deceased N.Chidambaram, which shows that the petitioner and the minor C.Unnamalai, are the Legal Heirs of the deceased N.Chidambaram.

5. The further case of the petitioner is that on 21.12.2019, along with one N.Krishnan, who is the neighbouring land owner, she had entered into a Joint Venture Agreement, with one M/s.Johitha Homes, wherein both the parties have agreed to develop the petition mentioned property. Further by way of sale price, one Mr.V.Amarnadha Reddy, who is the Proprietor of M/s.Johitha Homes, is willing to pay Rs.50,00,000/- towards the share of the petitioner and her minor daughter. In this regard, the said PW2, Mr.V.Amarnadha Reddy, has given evidence, wherein he had agreed to develop the property.

6. It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of her education as well as for developing the property, she

has decided to enter into the Joint Venture Agreement. Ex.P12 is the willingness of the petitioner to accept the office of guardianship in respect to the minor C.Unnamalai.

7. 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.

8. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the minor C.Unnamalai. The petitioner is also permitted to enter into joint venture agreement over the schedule mentioned property with M/s.Johitha Homes, represented by its Proprietor Mr.V.Amarnadha Reddy, s/o. M.Jayachandra Reddy. Further, the petitioner is permitted to receive Rs.25,00,000/- [Rupees Twenty Five Lakhs] on behalf of minor and the said amount 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 promoter and the petitioner shall receive the accrued interest from the

deposit for the purpose of the education of the minor C.Unnamalai. 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

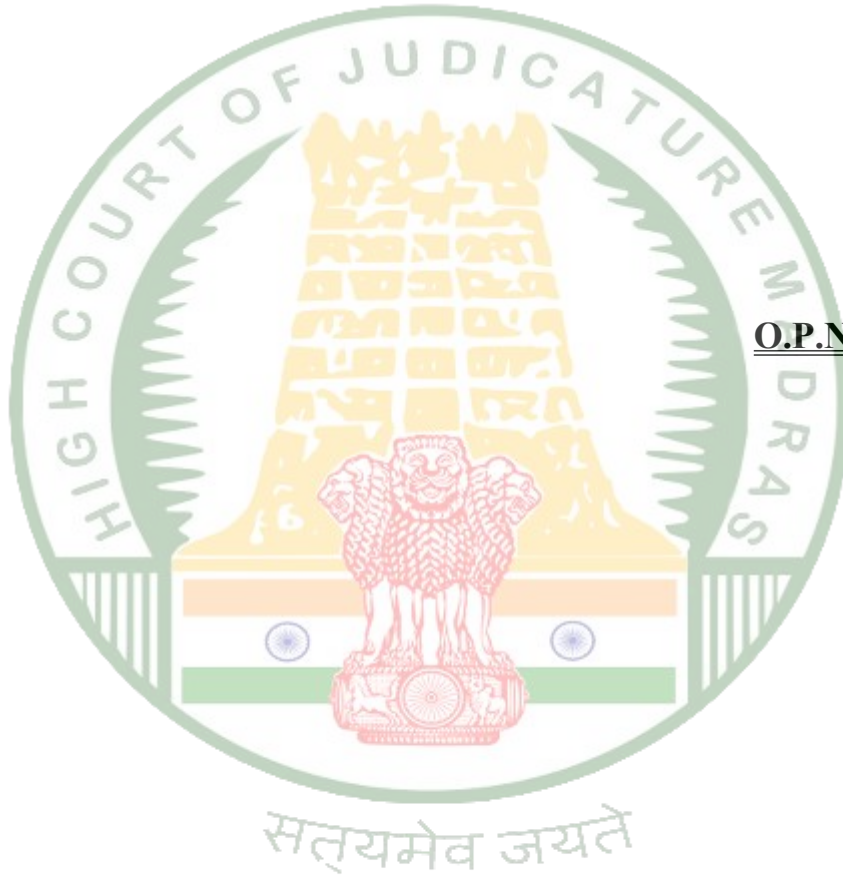
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