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KRISHNAN RAMASAMY.J.

This petition has been filed under Section 8(b) of Hindu Minority and Guardianship Act 1956 read with Order XXI Rule 2 & 3 of O.S.Rules, seeking the following prayers :

“a) To permit the petitioner herein to develop the minor share of property by appointing M/s.Sai builders as her General Power of Attorney Agent and sell the minor's undivided share of land measuring an extent of 301 Sq.ft out of her share measuring an extent of 503 Sq.ft forming part of total extent of 2012 Sq.ft the schedule property to the purchaser through the General Power of Attorney Agent.

b) To permit the petitioner to receive the flat bearing No.F-1 in the first floor (Balcony Portion) measuring 972 Sq.ft of Plinth area along with one car parking on behalf of the Minor S.Aparna from the Builder.

c) To permit the developer to deposit the amount of Rs.7,00,000/- in favour of the Minor S.Aparna in any Nationalized Bank.”



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2. The case of the petitioner is that the petitioner's father Late G.Kannan had executed a Settlement Deed in respect of the suit property favouring his Grand Children namely 1) Mr.K.Aravindh 2) Ms.K.Abirami, Children of Mrs.Latha @ Ramalatha, Daughter of G.Kannan 3) Ms.S.Lavanya and 4) Minor S.Aparna, Children of Mr.Saravanan, the petitioner herein, Son of G.Kannan, vide a Settlement Deed dated 09.04.2009 registered as Document No.1207/2009 on the file of the Sub Registrar Office, Purasawakam. The petitioner's father died intestate on 12.09.2015 and subsequently, his mother Mrs.K.Ranganayaki also died intestate on 01.09.2019. After their death, the aforesaid Grand Children have become the absolute owners of the suit property and each having 1/4th share in the said property. The petitioner as natural guardian of the Minor Child S.Aparna and for welfare of the said child has decided to develop her share of the property. Hence, he has filed this petition, seeking the aforesaid prayers.

3. The learned counsel for the petitioner would submit that the petitioner had entered into a Joint Venture Agreement with one M/s.Sai



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Builders on 23.08.2021 under the following terms and conditions :

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i) The Builder has agreed to pay Free Money sum of Rs.7,25,000/- (Rupees Seven Lakhs and Twenty Five Thousand Only) to the petitioner's daughter Minor S.Aparna and out of which Rs.25,000/- was paid by cheque on the date of agreement.

ii) The Builder has agreed to handover a flat bearing No.F-1 in the First Floor (Balcony Portion) measuring 972 Sq.ft of Plinth area along with one car parking to petitioner's daughter Minor S.Aparna.

iii) The Builder has agreed to pay monthly rent of Rs.7500/- per month from the date of handing over of vacant possession till the date of handing over of the flat.

iv) In return the Minor S.Aparna out of her undivided share of 503 Sq.ft shall authorize the Builder to sell 301 Sq.ft of UDS and retain 202 Sq.ft as her share.

4. The learned counsel for the petitioner would further submit that as per the Settlement Deed executed by the petitioner's father, the petitioner's Minor daughter is entitled to 1/4th share in the property.



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Hence, the present petition has been filed.

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5. The petitioner, in order to prove his case, was examined as PW1 and filed proof affidavit and marked the following documents as Exs.P1 to P8 on his side :

Ex.P1 - Computer generated birth certificate of S.Aparna.

Ex.P2 - Photocopy of petitioner's Aadhaar card (Compared with the original).

Ex.P3 - Photocopy of the Gift cum Settlement Deed dated 09.04.2009 (Compared with the original).

Ex.P4 - Computer generated death certificate of Kannan.

Ex.P5 - Computer generated death certificate of K.Ranganayaki

Ex.P6 - Photocopy of the Agreement for Joint Venture dated 23.08.2021 (Compared with the original).

Ex.P7 - Consent affidavit given by the Co-owners.

Ex.P8 - Original Valuation Certificate along with the guideline value of the property.



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6. On considering the submissions made by the learned counsel for the petitioner and on perusal of the deposition of PW1 along with Exs.P1 to P8, this Court is satisfied that the petitioner is entitled to the reliefs sought for in this petition and accordingly, it is ordered as follows :

i) The petitioner is permitted to develop the minor share of property by appointing M/s.Sai builders as her General Power of Attorney Agent and sell the minor's undivided share of land measuring an extent of 301 Sq.ft out of her share measuring an extent of 503 Sq.ft forming part of total extent of 2012 Sq.ft the schedule property to the purchaser through the General Power of Attorney Agent.

b) The petitioner is permitted to receive the flat bearing No.F-1 in the first floor (Balcony Portion) measuring 972 Sq.ft of Plinth area along with one car parking on behalf of the Minor S.Aparna from the Builder.

c) The developer is permitted to deposit the amount of Rs.7,00,000/- in favour of the Minor S.Aparna in any Nationalized Bank.”

7. In the result, this Original Petition is allowed. No costs.

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