



O.P.No.575 of 2022

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C.V.KARTHIKEYAN,J.

This petition has been filed taking advantage of Section 8(2) of the Hindu Minority and Guardianship Act, 1956 read with Order XXI Rules 2 & 3 of the Original Side Rules of the Madras High Court seeking permission to sell and deal with the schedule mentioned property, which stands in the name of the minor.

2.The father has also undertaken that he would deposit the entire sale proceeds in any nationalized bank and withdraw only the interest till the minor attain the age of majority.

3.The schedule of the properties had been annexed to the petition. They are two plots bearing Plot Nos.20 and 21 both measuring 3540 sq.ft and 3860 sq.ft respectively at Athiban Balaji Nagar, comprised in S.No.93/1B of Palayamchettikulam Village, Palayamkottai Taluk, Tirunelveli District. Both the plots stand in the name of the minor.

4.In the petition, it is stated that the petitioner is facing huge monetary crisis and has no monetary resource to develop the properties and make it profitable. It is stated that the minor is 16 years old and is studying in Class XI and the properties are required to be sold even for his future educational



expenses.

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5. The petitioner was directed to tender evidence and accordingly, he examined himself as PW-1. The Birth Certificate of his minor son, Ramcharan was marked as Ex.P1. The copy of the Sale Deed dated 10.02.2014 for the purchase of the two plots were marked as Ex.P2. The consent affidavit to accept the office of guardianship was marked as Ex.P5.

6. In view of the evidence presented, this Original Petition stands allowed. The petitioner is permitted to sell the plots mentioned in the schedule to the petition and deposit the sale consideration of fixed deposit in any nationalized bank, for a period of three years. The fixed deposit receipt may be handed over to the Registry of Original Side of the Madras High Court and the Registry to retain the same till the minor attains the age of majority. On attaining the age of majority, the minor shall be granted permission to withdraw the maturity amount. The petitioner is permitted to withdraw the quarterly interest, which accrues under the fixed deposit for the incidental expense of the minor.

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