



O.P.No.497 of 2021

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ABDUL QUDDHOSE,J.,

This petition has been filed under the Guardians and Wards Act, 1890 seeking for permission to sell the share of the minors viz., R.Harini and R.Yothika in the petition schedule mentioned property.

2. The mother of the Minors R.Harini and R.Yothika has filed this petition. According to the petitioner, the minors viz., R.Harini and R.Yothika are entitled to shares in the petition schedule mentioned property. The owners of the petition schedule mentioned property have entered into sale agreement dated 14.03.2021 and as per the said sale agreement, the total sale consideration is Rs.65,00,000/-(Rupees Sixty five lakhs) and minors R.Harini and R.Yothika share will be Rs48,148/-(Rupees Forty Eight thousand one hundred forty eight only) each.

3. Before the learned Master, the petitioner, who is the mother of the minors R.Harini, born on 28.08.2007 and R.Yothika born on 03.01.2011, was



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examined as a witness (P.W.1). She reiterated the contents of the petition filed in support of O.P.No.497 of 2021 and the following documents were marked as Exhibits on the side of the petitioner.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Photocopy of the birth certificate of R.Harini, who was born on 27.08.2008.
Ex.P-2	Photocopy of the Aadhar Card of R.Harini bearing No.25188 6275 0047.
Ex.P-3	Computer generated birth certificate of R.Yothika, who was born on 03.01.2011.
Ex.P-4	Photocopy of the Aadhaar Card of Yothika, bearing No.4582 5065 6609.
Ex.P-5	Photocopy of the Sale Deed dated 03.03.1989 executed in favour of Susinathan.
Ex.P-6	Photocopy of the Burial Ground Report of C.Susainathan who died on 26.05.1994.
Ex.P.7	Photocopy of the Legal Heirship Certificate dated 23.09.2021 in respect of Susainathan
Ex.P.8	Photocopy of Burial Ground Report of Mrs.S.Regina Mary, who died on 13.11.2017.
Ex.P.9	Computer generated death certificate of S.Eliyas, who died on 18.01.2015.
Ex.P.10	Computer generated death certificate of Ramani Bernadath, who died on 25.06.2013.
Ex.P.11	Computer generated Legal Heirship Certificate dated 30.06.2018 in respect of Ramani Bernadath.
Ex.P.12	Computer generated Death Certificate of V.Reego, who died on 06.08.2019.
Ex.P.13	Computer generated Legal Heirship Certificate dated 22.11.2019 in respect of Reego.
Ex.P.14	Photocopy of the Sale Agreement dated 14.03.2021.



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<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P.15	Genealogy.
Ex.P.16	Photocopy of the petitioner's Aadhar Card bearing No.6958 5737 5584
Ex.P.17	Computer generated Encumbrance Certificate dated 02.02.2021
Ex.P.18	Declaration of Willingness
Ex.P.19	Computer generated death certificate of S.Regina Mary, who died on 13.11.2017.
Ex.P.20	Original Valuation Report dated 04.12.2021
Ex.P.21	Genealogy Chart and shares

4. As seen from the evidence available on record, Mr.V.Reego, the father of the minors R.Harini and R.Yothika died on 06.08.2019. The Sale deed dated 03.03.1989 has been marked as Ex.P5, which discloses that Mr.Susainathan, who is the great grand father of the Minors R.Harini and R.Yothika, was the original owner of the petition schedule mentioned property and after the death of Mr.C.Susainathan(the great grand father of Minors R.Harini and R.Yothika), the minors R.Harini and R.Yothika were entitled to shares in the petition schedule mentioned property. The owners of the petition schedule mentioned property have entered into sale agreement on 14.03.2021 which has been marked as ExP.14. Under the said sale agreement, the total sale consideration for the petition schedule mentioned property is Rs.65,00,000/-



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(Rupees Sixty Five Lakhs only). A Valuation Report dated 04.12.2021 has been marked as Ex.P.20. As seen from the Valuation Report, the guideline value of the petition schedule mentioned property is Rs.16,08,000/-(Rupees Sixteen Lakhs Eight thousand only); the market value of the property is Rs.68,00,000/-(Rupees Sixty Eight lakhs only) and the realisable value of the property is Rs.64,60,000/-(Rupees Sixty Four lakhs Sixty thousand only).

5. Since the owners of the petition schedule mentioned property have entered into agreement of sale dated 14.03.2021 (Ex.P.14), wherein, the total sale consideration is mentioned as Rs.65,00,000/-(Rupees Sixty five lakhs), this Court, after giving due consideration to the Valuation Report (Ex.P.20), is of the considered view that the total sale consideration mentioned under the agreement of sale dated 14.03.2021 is only in accordance with the market value of the subject property.

6. The petitioner has stated that the minors' interest is being sold only in their interest. It is also the case of the petitioner that all the other co-owners have agreed to sell the property. In the affidavit filed in support of



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O.P.No.497 of 2021, the petitioner has stated that proposed sale of the petition mentioned property is a legal necessity and also for the interest and welfare of the minor children. She has categorically pleaded that the minor children have not been put into any loss or detriment on account of selling of petition mentioned property and the petitioner also undertakes to abide by any condition to be imposed by this Court in respect of the minors' share of the sale consideration.

7. The subject property, for which, permission is sought for to sell the minors' share is a street house and seems to be in a dilapidated condition. Further, when there are so many co-owners, it will be difficult in the beneficial interest of the minors as no useful purpose will be served if the property is allowed to remain in 'as is where condition'. Once sale consideration is received, this Court is of the considered view that the sale consideration payable to the minors can be utilised for their welfare.

8. After giving due consideration to the evidence available on record, this Court is inclined to grant permission to the petitioner as prayed for in OP



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No.497 of 2021 to sell the minors R.Harini's and R.Yothika's share in the petition schedule mentioned property and the sale consideration payable to each of the minors i.e., Rs.48,148/-(Rupees Forty eight thousand one hundred forty eight only) has to be kept in a Fixed Deposit in their name till they attain majority.

9. Accordingly, O.P.No.497 of 2021 is allowed as prayed for. On receipt of sale consideration, the petitioner shall take a Demand Draft in the name of the respective minors for a sum of Rs.Rs.48,148/-(Rupees Forty eight thousand one hundred forty eight only) each and shall deposit the same with the custody of the Registrar General of this Court and the Fixed Deposit shall be renewed periodically by the petitioner till the respective minors attain majority.

10. O.P.No.497 of 2021 is allowed as prayed for.

03.01.2022

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