



WEB C.V. **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 Rule 2 & 3 of the Original Side Rules, seeking permission to sell a property in which not only the petitioner, but also her two minor children have a share along with the other sharers of the property. The original owner, M.S.Viswanathan died intestate on 14.07.2015. All his Class I legal heirs had taken a collective decision to sell the property at Door No.87, “Viswa Keerthi”, Santhome High Road, Mylapore, Chennai - 600 004 and since the shares of the minors are involved necessarily permission from the Court is required to deal with the property. It is for that reason, this petition has been filed.

2.It is stated that the late husband of the petitioner had died on 02.10.2021. The petitioner, and her two minor children namely, the daughter Janvi Hasmin Haridas, aged 16 years and son Janan Hanson Haridas, aged 9 years are his legal representatives.

3.The petitioner was directed to adduce evidence. She examined herself as PW-1. The death certificate of her father-in-law M.S.Viswanathan



was marked as Ex.P1. The legal heirship certificate was marked as Ex.P2.

The death certificate of her husband Viswanathan Haridas was marked as Ex.P3 and the legal heirship certificate of Viswanathan Haridas was marked as Ex.P4. The birth certificates of her daughter and son were marked as Exs.P5 and P6. The valuation of the estate was marked as Ex.P7.

4.This Court thought it would only be advantageous if anyone of the other legal heirs of M.S.Viswanathan are also examined as witness and accordingly, Y.V.Prakash, one of his son was examined as PW-2. He filed his proof affidavit and expressed his intention to sell the property and more importantly undertook to deposit the share of the minor children into the Court.

5.In view of the evidence presented, this Original Petition stands allowed.

6.A perusal of the legal representatives of late M.S.Viswanathan shows that the petitioner and her daughter and son together as legal representatives of one of his sons would be entitled to 1/7th share in the sale consideration. Out of this 1/7th share, the two minors would be entitled to



1/3rd share each. The sale consideration to that amount, may be deposited in any nationalized bank and the fixed deposit receipts in the name of the two minors may be handed over to the Registry of this Court, which would also ensure that interest on the sale consideration enures to the credit of the minors. On attaining the age of majority, the minors shall be granted permission to withdraw the principal amount along with the interest in the fixed deposit.

28.10.2022

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O.P.No.321 of 2022

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