



C.V.KARTHIKEYAN,J.

The petitioner, Thaseen Salma who is the mother of M.Ahamed Naveel, minor, who was born on 12.04.2005. Her father is A.M.M.Sadhakathulla. He was the original owner of the property given to the schedule in the petition at New No.250, Old No.197, Linghi Chetty Street, George Town, Chennai, measuring about 2,183 sq.ft., together with building. He had settled the said property in the following manner among his sons and daughters and had also settled 10% undivided share to M.Ahamed Naveel, minor son of the petitioner. The shares in which he had so settled the property is as follows:

1.Mrs.A.M.A.Sitthi Baseera	-	10%
2.Mrs.A.M.Noorun Najifa	-	10%
3.Mrs.A.M.Faizathu Samila	-	15%
4.Minor M.Ahamed Naveel	-	10%
5.Mr.Sathak Abdul Hameed	-	15%
6.Mr.S.Fylur Rahman	-	15%
7.Mr.S.S.M.Buhari	-	15%



2.The aforementioned sharers, have entered into an agreement on 18.03.2022 to sell the property to M/s.Industrial Chain Concern, represented by its partner Mr.Rajesh Jaiswal.

3.In view of the fact that the share of the minor was involved, the present original petition has been filed seeking to appoint the petitioner as guardian of minor son, together with permission to sell the 10% undivided share of the minor, in the aforementioned property.

4.To substantiate the claim, the petitioner examined herself as PW-1 and the settlement deed dated 20.07.2012 was marked as Ex.P2. The legal heirship certificate of Sathakathullah was marked as Ex.P3. The sale deed in favour of Sathakathullah was marked as Ex.P1. The birth certificate of M.Ahamed Naveel was marked as Ex.P4. The guideline value was marked as Ex.P7 and the agreement of sale was marked as Ex.P8. The encumbrance certificate was marked as Ex.P9.

5.S.S.M.Buhari was examined as PW-2 who was the power of attorney of the other brothers and sisters of the petitioner. He also stated about the agreement and that nobody had objection to sell the property.



6.The purchaser, Rajesh Jaiswal was examined as PW-3. In his evidence, he stated that he had agreed to purchase the property. He further stated that he had entered into an agreement of sale with the owners of the property.

7.In view of the evidence adduced, this Original Petition stands allowed. However, a condition is laid that the sale consideration of the minor's share amounts to Rs.41,00,000/- shall be deposited into a nationalized bank and the petitioner shall be entitled to withdraw only the interest portion for personal expenses. When the minor attains the age of majority, the said amount shall be given to him as his share of the sale consideration.

8.The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of Assistant Registrar (OS – II), Madras High Court.

23.09.2022

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O.P.No.328 of 2022

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