



WEB COPY



O.P.No.486 of 2022

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 promote and sell the shares of the two minor children of the petitioner, by name Mirdhula, who aged about 10 years and Midhun also aged about 10 years who are both twin children of the petitioner K.Gunavathi.

2.The father of the children / husband of the petitioner, Karunakaran had died on 07.11.2020. The mother of deceased Karunakaran, K.Saroja had died on 26.06.2013. She had left behind five sons and one daughter. All of them were jointly entitled to the property given in the schedule namely, land and building at old door No.36 and new door No.83, Kodambakkam Road, West Mambalam, Chennai – 600 033 with land measuring about 4200 sq.ft of land with super built up area.



3. Now, all the members had decided to develop the said property and accordingly, they had entered into a Joint Venture Agreement on 30.06.2022 with Beaver Constructions Company. The copy of the said agreement had been produced as Ex.P16. Since the interest of the minors were involved, the present Original Petition had been filed.

4. It had been stated that according to the Joint Venture Agreement, after the building is demolished and a new construction / apartment is constructed, the petitioner would be allotted two flats and also given proportionate share in the advance amount. The two flats would be in the names of the petitioner and the two minor children jointly. Out of the advance amount received, the petitioner may retain $1/3^{\text{rd}}$ and the balance $2/3^{\text{rd}}$ may be deposited in two separate equal amounts of fixed deposits in any nationalized bank and the fixed deposit receipts may be handed over to the Registry and the Registry to retain the same till the minor children attain the age of majority.

5. However, a direction is given that the petitioner is entitled to withdraw the quarterly interest under the fixed deposit receipts and a copy of this order may be presented to the concerned nationalized bank, so



authorizing them to release the interest of the fixed deposit in the names of two minors / Mirdhula and Midhun, to the petitioner for her expense to maintain the two children.

6.The petitioner was directed to tender evidence and accordingly, she examined herself as PW-1. The Birth Certificates of the two minor children were marked as Exs.P4 and P5. The Death Certificate of her husband was marked as Ex.P6. The Legal Heirship Certificate of her husband, Karunakaran was marked as Ex.P7. The Sale Deed of the property and the Settlement Deed relating to the property were marked as Ex.P8 and P9. The Death Certificate and the Legal Heirship Certificate of K.Saroja were marked as Exs.P10 and P11. The Joint Venture Agreement as stated was marked as Ex.P16.

7.In view of the evidence presented, this Original Petition stands allowed with the directions as stated above. The petitioner is entitled to develop the property with M/s.Beaver Construction Company and out of the advance amount received, the petitioner may retain 1/3rd and the balance 2/3rd may be deposited in two separate equal amounts of fixed deposits in any nationalized bank with a permission to withdraw the quarterly interest which



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accrues under the fixed deposit and the fixed deposit receipts may be handed over to the Registry and the Registry to retain the same till the minor children attain the age of majority. On attaining the age of majority, the minors shall be granted permission to withdraw the maturity amount. The two flats shall be in the joint names of the petitioner and the two minor children.

03.11.2022

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