



CMA.No.2188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **12.10.2022**

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

CMA.No.2188 of 2022

1.Minor Pugalenth
2.Minor Ayyamperumal
(Both are represented by guardian Sankar)

... Appellants/Petitioners

Vs.

Prakash

... Formal Respondent/ Formal Respondent

PRAYER : Appeal filed under Section 47 of the Guardian and Wards Act to set aside the order dated 22.04.2022 passed in GWOP No.12 of 2022, on the file of he Hon'ble Principal District Judge, Perambalur and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.D.Ashok kumar



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JUDGEMENT

Challenging the dismissal of their application for seeking permission to sell the property of the minors, the natural guardian namely the father of the 1st appellant is before this Court. The 2nd appellant minor's father has been shown as the respondent in the petition subject matter of this appeal.

2. It is the contention of the guardian of the 1st appellant that the 1st appellant minor is aged about 16 years and the 2nd appellant minor is aged about 14 years. The property belonged to one Renganathan who is the paternal grand father of the petitioners. The said Renganathan had executed a settlement deed in favour of his grand sons namely the appellants herein and the natural guardian of the 1st appellant and the respondent who is the natural guardian of the 2nd appellant were appointed as a guardian in respect of the petition mentioned properties on 30.07.2014, since they were minors their fathers had taken possession of the property. They would submit that since the cost of education was high, the appellants had filed the above petition to sell the property of the minors.



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3. The learned Principal District Judge had dismissed the application stating that the petitioners have not given any details as to the person to whom the property was being sold and the reasons for which it is proposed to be sold. Challenging the said order the appellant is before this Court.

4. Admittedly, the appellants have not filed any documents whatsoever to show that there is a proposal to sell the property and that there is a prospective purchaser. The appellant is attempting to get an all pervasive order granting permission to sell the minor's property without there being any purchasers and that too in anticipation of a sale. The learned District Judge has rightly rejected the said application and I see no reason to interfere with the same. However, liberty is granted to the petitioners to renew the request as and when they identify a purchaser for the property. Consequently, the Civil Miscellaneous Appeal stands dismissed. There shall be no order as to costs.

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Index : Yes/No
Internet: Yes/No
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To

1. The Principal District Judge, Perambalur.
2. The Section Officer,
V.R.Section,
High Court, Madras.



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P.T. ASHA, J,

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