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WEB CO **KRISHNAN RAMASAMY.J.,**

This Original Petition is filed praying for the following reliefs:

(i) to appoint/declare the petitioner herein as the guardian of the person and property of the minor Ms.Saba Fathima.

(ii) to sell the undivided share of minor Ms.Saba Fathima, D/o.Late Mr.Ahmed, in the property described in Schedule of Property and;

(iii) to permit the petitioner to deposit the sale proceeds of the Minor's share to deposit in the long term fixed deposit in the name of the minor in any one of the Nationalised Bank.

2. The case of the petitioner as culled out from the petition is as follows:

(a) Ms.Saba Fathima, is a minor of age 11 years, is the daughter of the petitioner herein and residing at No.28/2/6, Irusappan Main Street, New Washermenpet, Chennai – 600 081. The petitioner has filed this petition seeking permission from this Court to sell/alienate the Schedule mentioned property in respect of minor's share.



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(b) The petitioner submits that she got married to Ahmed in the year 2008 and out of their wedlock, they were blessed with a daughter Ms.Saba Fathima. The father of the petitioner late Mr.S.A.Suban, executed a settlement deed in respect of the petition schedule property out of love and affection in favour of the petitioner as well as his grand daughter, namely Ms.Saba Fathima vide document No.1765/2011 dated 18.05.2011.

(c) According to the petitioner, her husband had also passed away, being a widow, she is taking care of her minor daughter by working as a daily wager and she is not in a position to meet out day-to-day expenses as well as School fees and other incidental charges of her daughter. In such circumstances, in order to meet the expenses, the petitioner intends to sell away the undivided share of her minor daughter in the property and deposit the sale proceeds in a long term fixed deposit in the name of the minor and to utilize the accrued interest there on. In this regard, she also found out a prospective purchaser namely Mrs.Katheerja, who has agreed to purchase the schedule property for a total consideration of Rs,12,50,000/- and she also entered into a sale agreement dated 26.10.2021 and an amount of



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Rs.5,00,000/- was also received as advance and the balance sale consideration would be paid at the time of execution of sale deed. Therefore, the petitioner seeks to grant permission to appoint/declare her as the guardian of person and property to sell away the undivided share of the minor and deposit the sale consideration of minor's share in a fixed deposit.

3. In order to prove her case, the petitioner was examined as P.W.1 and marked Exs.P-1 to P-14. Ex.P1 is the photocopy of the proceedings dated 02.02.2004 issued by Tamil Nadu Slum Clearance Board in favour of late Suban. Ex.P2 is the certified copy of the Sale Agreement dated 26.05.2009. Ex.P3 is the certificate copy of the Settlement Deed dated 18.05.2011. Ex.P4 is the computer generated death certificate of S.A.Suban. Ex.P5 is the computer generated death certificate of Ahmed. Ex.P6 is the computer generated birth certificate of A.Saba Fathima. Ex.P7 is the photocopy of the C.S.R dated 22.08.2021. Ex.P8 is the photocopy of the non traceable certificate dated 18.09.2021 issued by the Inspector of Police, Washermen Police Station. Ex.P9 is the photocopy of the petitioner's Aadhaar Card. Ex.P10 is the photocopy of the Aadhaar Card of the minor



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A.Saba Fathima. Ex.P11 is the photocopy of petitioner's Family Card.

Ex.P12 is the computer generated encumbrance certificate dated 05.01.2021. Ex.P13 is the original Agreement for Sale dated 26.10.2021.

Ex.P14 is petitioner's declaration of willingness.

4. Considering the oral and documentary evidence and the materials placed on record, this Court is satisfied that the petitioner is entitled to succeed in this Original Petition. Accordingly, this Original Petition is ordered in the following terms:

(i) The petitioner is hereby appointed as Guardian of the person and property of the minor Ms.Saba Fathima

(iii) The petitioner is permitted to sell away the undivided share of minor Ms.Saba Fathima, which is described in the petition schedule. After such sale, the petitioner is directed to deposit the sale proceeds in any one of the Nationalised Bank in a fixed deposit in the name of the minor and to withdraw the interest of the amount accrued thereon once in every three months and use the same for the welfare of the minor.



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(iv) The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.-II), High Court, Madras.

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