



O.P.No.627 of 2022

C.V.KARTHIKEYAN,J.

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The Original Petition has been filed under Section 8 (2) of the Hindu Minority and Guardianship Act, 1956 read with relevant rules of the Original Side of the Madras High Court, seeking permission to sell an undivided 1/12th share of the daughter of the petitioner/Minor Joshita, who was born on 17.01.2010.

2. The property which is proposed to be sold had been purchased by Gajapathy/father-in-law of the petitioner by a Sale Deed dated 02.03.2007, registered as Document No.2812/2007 in the Sub Registrar Office at Kunrathur.

3. Gajapathy had died intestate on 01.06.2017 leaving behind three daughters and one son. The petitioner is the wife of the said son, Rajamannar. Rajamannar had died on 08.08.2021. The petitioner, her son Pavankrishnan and the minor daughter Joshita are his legal heirs. His mother, Mrs.Thulasi, wife of Gajapathy had predeceased him.

4. The petitioner, also on behalf of the minor and also the three sisters of her husband and also her son had entered into an agreement to sell the suit schedule property on 20.09.2022. Copy of the Agreement of Sale had been produced before this Court. One of the condition was that



the petitioner, obtains permission from the Court to dispose of the share of the minor.

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5. By a rough estimate, since Gajapathy had died leaving behind four legal heirs, the husband of the petitioner would be entitled to an undivided $1/4^{\text{th}}$ share. That $1/4^{\text{th}}$ share would be further divided among the petitioner, her son and her minor daughter which would indicate that each one of them would get an undivided $1/12^{\text{th}}$ share.

6. It is seen from the Agreement of Sale, that the total sale consideration of Rs.2.92 lakhs. This would further indicate that the undivided $1/12^{\text{th}}$ share of the minor would be Rs.41,000/-.

7. A condition is placed that the said sale consideration of Rs.41,000/- should be deposited in any Nationalised Bank and the Fixed Deposit receipt should be produced before the Registrar of the Original Side of this Court to be kept in safe custody, till the minor attains the age of majority.

8. The petitioner was directed to tender evidence and in support of these facts, produced the Birth Certificate of the minor as Ex.P1, the copy of the Sale Deed as Ex.P4, the Death Certificate of the mother of her husband as Ex.P6, the Legal Heirship Certificate of the mother-in-law as Ex.P7, the Death Certificate of the father-in-law and the Legal Heirship Certificate as Exs.P8 and P9, the Death Certificate of her husband and



Legal Heirship Certificate as Exs.P10 and P11 and the Guideline Value of the property as Ex.P13 and the copy of the Agreement of Sale as Ex.P14.

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9. In view of the evidence presented, permission is granted. However, as stated, the share of the Sale consideration of the minor, is to be deposited into any Nationalized Bank in Fixed Deposit and the Fixed Deposit receipt should be deposited with the Joint Registrar of the Original Side of this Court to be kept in safe custody and the minor can withdraw the same after attaining the age of majority.

10. With the above observation, the Original Petition stands allowed.

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