



O.P.No.59 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.59 of 2023

M.Sellavijayarani

... Petitioner

PRAYER: Original Petition filed for permission under Section 8(2)(a) of Hindu Minority and Guardianship Act, 1956 read with Order XXI Rule 2 & 3 of Original Side Rules and Clause 17 of Letter Patent Act praying for

(i)Grant permission to the petitioner to develop and sell the property mentioned in the schedule hereunder of the minor's shares for his benefits and wellbeing to any other person or person and to execute and register the necessary conveyance

(ii)and pass such further or other order as this Hon'ble Court may be pleased to deem fit and thus render justice

For Petitioner : Ms.Abinaya Kalaiganan. T

ORDER

By this petition, the mother and natural guardian of the minor,



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M.Pranav, seeks permission to deal with the minor's $\frac{1}{2}$ share in the property described in the schedule to the petition.

2. The petitioner asserts that the above mentioned property was inherited by the petitioner's husband, late G.Manoj, by way of a registered Settlement Deed dated 09.03.2011, together with $\frac{1}{4}$ th undivided share of land or an extent of 2500 sq.ft., along with $\frac{1}{8}$ th undivided shares in the 500 sq ft. The said G.Manoj died on 30.06.2013, leaving behind his legal heirs as such his mother G.Vedavalli, petitioner his wife and his minor son M.Pranav as the successors to the immovable property. The mother of the deceased, who is also the mother in-law of the petitioner also died leaving behind the petitioner and her grandson. The share of the petitioner's husband in the schedule mentioned property has been assigned a value of Rs.55,27,500/- (Rupees Fifty Five Lakhs Twenty Seven Thousand and Five Hundred Only). The petitioner states that the schedule mentioned property jointly stands in the name of the petitioner and her minor son. The petitioner, therefore, seeks permission to sell her minor son's $\frac{1}{2}$ share therein and the approximate total value of the minor's interest in the said property is 30,00,000/- (Rupees Thirty Lakhs Only).



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3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as P.W.1. In course of the examination in chief of P.W.1, 8 documents listed at the foot of this order were exhibited as Exs.P1 to P8. The death certificate of the petitioner's husband (Ex.P2) discloses that he died on 30.06.2013. The legal heirship certificate in respect of her husband (Ex.P3) discloses the names of the petitioner, and her minor son as the Class-I legal heirs of the deceased. The birth certificate of the minor son (Ex.P1) discloses that he was born on 13.10.2005. As evidence of title of her husband to the relevant immovable asset, the registered Settlement Deed dated 09.03.2011 (Ex.P6) is placed on record.

4. Based on the evidence adduced by the petitioner, the petitioner is entitled to the relief claimed on the following terms:

(i) The petitioner is permitted to deal with the $\frac{1}{2}$ share of her minor son in the property described in the schedule to the petition, subject to the condition that $\frac{1}{2}$ of the total sale proceeds shall be remitted into an interest bearing fixed deposit account in the name of the minor in any of the Nationalised bank. Such fixed deposit shall be for an initial term of one year or until the



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minor attains the age of majority, whichever is earlier.

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(ii) After completing the aforesaid, the petitioner shall provide the fixed deposit receipt before the Assistant Registrar (Original Side-II) of this Court.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.M.Sellavijayarani

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the birth certificate of M.Pranav
Ex.P2	Downloaded copy of the death certificate of Mr.Manoj Govindasamy (witness states that it is the downloaded copy. The said document is marked subject to its admissibility, proof and relevancy)
Ex.P3	Photocopy of the legal heirship certificate of G.Manoj
Ex.P4	Photocopy of the school identity card of M.Pranav
Ex.P5	Photocopy of petitioner's family card
Ex.P6	Photocopy of the deed of settlement dated 09.03.2011
Ex.P7	Photocopy of petitioner's Aadhar card
Ex.P8	Photocopy of the Aadhar card of M.Pranav

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