



O.P.NO.152 OF 2023

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Sections 3 and 7 to 10 and 29 of the Guardians and Wards Act, 1980 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking appointment of the first petitioner as the Guardian to the property of minor Shahjahan and to grant permission to sell the schedule mentioned property belonging to the minor son namely Shahjahan, aged about 13 years to any interested buyer/s and to receive the sale consideration arising out of the sale of the schedule property in his bank account and to invest the sale consideration arising out of the sale of the schedule property for the interest and betterment of the minor.

2.The first petitioner is the paternal uncle and second petitioner is the mother of the minor Shahjahan son of Late Mohammed Iqbal. It is the case of the petitioner that the properties belonging to one Mr.A.S.Naina Mohammed, who is the father of the first petitioner and Mr.A.S.Naina Mohammed settled his remaining undivided share of land of 2033 sq.ft., by virtue of Settlement Deed dated 27.06.2018 registered as Document No.1671



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of 2018 in the Office of Sub-Registrar, Periamet. The father of the minor Mr.Mohammed Iqbal died on 24.04.2020 leaving behind him the minor Shahjahan, the second petitioner, and his mother Noor Jahan as his legal heirs. Now, the minor is the owner of the undivided share in all part and parcel of the properties. He is the owner of 2/9th undivided share in all that piece and parcel of the land measuring an extent of 684 sq.ft., of land comprised in R.S.No.735/37 together with built-up area measuring an extent of 1850 sq.ft. and the purchaser has also offered Rs.48,33,000/- and the minor is entitled to Rs.10,74,000/-. Since the petitioners want to utilise the money for the welfare of the minor, they have filed the present petition for the relief stated supra.

3.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and marked Exs.P.1 to P.11.

4.P.W.1 in his evidence has stated about the nature of the properties left by the deceased Mohammed Iqbal. Ex-P.1 is filed to prove the death of Mohammed Iqbal, father of the minor; Ex-P.2 is filed to prove the date of birth of the minor Shahjahan; Ex-P.6 is the legal heirship certificate of



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Mohammed Iqbal; Exs-P.11 and P.12 are the paper publications and none have objected for the same.

5.It is the further evidence of P.W.1 that for the betterment of minor and for the purpose of his education and investment in other properties, he has decided to dispose of the above property. The second petitioner, who is the mother of the minor, has also no objection for the same.

6.Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the first petitioner is entitled for the relief as sought for in the petition.

7.Accordingly, this Original Petition is ordered and the first petitioner is appointed as the Guardian of the person and property of the minor Shahjahan. The first petitioner is also permitted to sell the 2/9th share of the minor Shahjahan over the schedule mentioned property and the share of the minor shall be deposited in fixed deposit in any of the nationalized bank till the minor attains majority. The first petitioner shall produce a copy of the deposit receipt within one month from the date of the execution of the



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sale deed in favour of the purchaser and the first petitioner shall receive the accrued interest from the deposit for the purpose of the education of the minor Shahjahan. The first petitioner shall execute a Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar O.S.(II), High Court, Madras.

01.11.2023

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