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C.R.P(PD)No.2856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P(PD)No.2856 of 2023

Mrs.Regina Arockia Selvi

...Petitioner

vs.

Nil

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, aggrieved by the Docket Order passed by the Lower Court in I.A.SR.No.5917 of 2023 in G.W.O.P.No.59 of 2023 on 02.08.2023.

For Petitioner : Ms.Girija Velmurugan

ORDER

The Civil Revision Petition has been filed to set aside the Docket Order dated 02.08.2023 made in I.A.SR.No.5917 of 2023 in G.W.O.P.No.59 of 2023 on the file of the District and Sessions Court II at Kancheepuram.



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2.The brief facts of the case is that the petitioner has filed

I.A.SR.No.5917 of 2023 seeking for advance hearing in G.W.O.P.No.59 of 2023 on 09.08.2023, to enable her to let in evidence and to get appropriate orders for selling the properties of the minor son viz., Rohit Narendra Kumar who is aged 14 years. They are in lawful possession and enjoyment of the suit schedule property and the said minor is having 1/2 share in the suit schedule property as per the Sale Deed.

3.The petitioner's son is studying in Muscat and for the future educational expenses, the mother/natural guardian intends to sell the suit schedule property for a value of Rs.63,50,000/-.

4.According to the petitioner, one person viz., Baranidharan has entered into an agreement with her to purchase the suit schedule property for the aforesaid sum and the purchaser had already paid a sum of Rs.15,00,000/- as advance by way of NEFT as per the agreement entered on 16.02.2023 and the remaining amount to be paid by the purchaser. The petitioner seeking to get permission from the Trial Court to sell the property.



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5.It was submitted that the parents are working in Muscat and the minor son is also studying there, they want to leave for Muscat to continue her son's education. It was further submitted that the Trial Court had fixed the date of hearing on 20.09.2023.

6.Heard learned counsel for the petitioner and perused the materials available on record.

7.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and for the welfare of the minor son, this Court is of the view that the Civil Revision Petition may be allowed. Accordingly, the Civil Revision Petition is allowed and the order of the Trial Court dated 02.08.2023 is set aside. The Trial Court is directed to consider the claim of the petitioner and pass appropriate orders as they are leaving for Muscat on 12.08.2023.

8.With the above direction, the Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed, if any.



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9. Registry is directed to return all the original documents to the petitioner to enable the petitioner to proceed further before the Trial Court.

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Index: Yes/No

Speaking Order/Non-Speaking Order
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Note: *Issue order copy on 09.08.2023*



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To

The District and Sessions Court II at Kancheepuram.



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V.BHAVANI SUBBAROYAN, J.

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