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C.M.A.No.207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.207 of 2023

1.Jayanthi,
W/o.Srinivasan,
No.11, Main Road,
Ramalinga Nagar,
Kammiampettai,
Cuddalore 607 002.

2.Santhi,
W/o.Babu,
No.25, Sannathi Street,
Thirupadiripuliyur,
Cuddalore 607 002.

... Appellants

Vs.

Nil

... Respondent

Prayer: Appeal filed under Section 47 of Gaurdians and Wards Act, against the order dated 12.09.2022 passed in GOP.No.45 of 2022 on the file of the Principal District Court, Cuddalore District, Cudalore.

For Appellant : Mr.D.Baskar

For Respondent : Nil



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J U D G M E N T

The Appeal has been filed against the order dated 12.09.2022 passed in GOP.No.45 of 2022 on the file of the Principal District Court, Cuddalore District, Cuddalore.

2.No Respondent in this Appeal. G.O.P.No.45 of 2022 was filed by the respective Mothers in respect of Minors viz., Rubesh (D.O.B.:29.05.2007), Krishnapriya (D.O.B.:06.11.2008) and Harini (D.O.B.:26.05.2012), for selling the minors' property and for investing the minors' share by way of constructing a house. The same was dismissed on 12.09.2022, by the Principal District Court, Cuddalore District, Cuddalore. The first Petitioner viz., Jayanthi is the mother of minor Rubesh and the second Petitioner viz., Santhi is the mother of minor Krishnapriya and minor Harini. They moved the above application on the ground that they proposed to sell the properties of minors for the welfare of the minors and they sought permission as required under Section 8 of Hindu Minority and Guardianship Act, 1956 r/w Section 28 & 29 of Guardian and Wards Act.



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3.The point for consideration in this Appeal is whether the paramount consideration of the minors is taken care off, while selling the property. From the affidavit filed before this Court, I find that the Appellants are entitled to sell the property, since the cashew trees in the subject property were destroyed by the Thane cyclone that hit the coastal areas of Cuddalore on 30.12.2011 and thereafter, the minimal income derived from the subject property also stopped and the land is now without any irrigation facility. Therefore, for constructing a house, the Appellants proposed to sell the properties. I am satisfied with the affidavit filed by the respective mothers, for selling the properties of the minors.

4.Accordingly, the Civil Miscellaneous Appeal is allowed, setting aside the order dated 12.09.2022 passed in GOP.No.45 of 2022 by the learned Principal District Judge, Principal District District, Cuddalore and the permission sought for by the Appellants/Petitioners in G.O.P.No.45 of 2022 on the file of the learned Principal District Judge, Cuddalore is granted, with a direction that within a period of 15 days from the date of registration, the certified copy of the registered document has to be produced before the Court below, along with a memo furnishing the investment proposal to be made for



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the welfare of the minors.

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02.02.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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To

The Principal District Judge,
Principal District Court,
Cuddalore District,
Cuddalore.



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RMT.TEEKAA RAMAN.J.

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