



WEB COPY



O.P.No.70 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.70 of 2023

V.Amudhavalli

... Petitioner

PRAYER: Original Petition filed for permission under Section 8(2) 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

(a)grant permission to sell the portion of the property belonging to the minor A.P.Srisha, by executing a General Power of Attorney for 205.76 Sq.ft., of UDS out of 490.72 Sq.ft., and to sign Joint Development Agreement with regard to the schedule mentioned property.

(b)to utilize the sale proceeds for the construction of new apartment in the project of redevelopment to be held in the name of the petitioner and the minor and

(c)to pass such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

For Petitioner : Mr.A.Veerappa



O.P.No.70 of 2023

ORDER

WEB COPY By this petition, the mother and natural guardian of the minor, A.P.Srisha, seeks permission to deal with the property jointly belonging to the petitioner and the minor more fully described in the schedule to the petition.

2. The petitioner asserts that the above mentioned property was inherited by them by a Settlement Deed dated 07.09.2012, registered as Document No.4236 of 2012 in the file of SRO Velachery from Mr.V.Veluswamy, father of the petitioner and grandfather of minor A.P.Srisha, and they are in absolute possession and enjoyment of the same. The petitioner further states that the building in the property has become old and the owners of the apartments have decided to demolish the entire building and to reconstruct the same by constructing residential apartments to have new building with new amenities. The petitioner along with the minor are the joint owners of the same and they have to give their consent for the redevelopment along with the other co-owners, so the petitioner seeks permission to sell the portion of the minor along with that of the petitioner's share, and to appoint the petitioner as the guardian of the minor so as to enter into various agreements with the constructors and the



O.P.No.70 of 2023

developers.

WEB COPY

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, 6 documents listed at the foot of this order were exhibited as Exs.P1 to P6. The birth certificate of the minor daughter (Ex.P1) discloses that she was born on 16.03.2010. As evidence of title of the petitioner and the minor child to the relevant immovable asset, the registered Settlement Deed dated 07.09.2012 (Ex.P3) is placed on record. The consent affidavit of the petitioner's husband, V.Prakash (Ex.P6).

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 sell the portion of the property belonging to the minor A.P.Srisha, by executing a General Power of attorney for 205.76 sq.ft UDS out of 490.72 sq.ft.

(ii)The petitioner is permitted to sign the joint development agreement with regard to the schedule mentioned



O.P.No.70 of 2023

property.

WEB COPY

(iii) the sale proceeds to the share of the minor shall be deposited in a fixed deposit which shall be renewed periodically till the minor attains the age of majority.

(iv) File before this Court the accounts as regard to the transactions pursuant to this order and produce the copy of the fixed deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

21.04.2023

gba

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.V.Amudhavalli

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of minor child A.P.Srisha
Ex.P2	Photocopy of the Sale Deed dated 28.05.1992 executed in favour of V.Vellusamy
Ex.P3	Photocopy of the Settlement Deed dated 07.09.2012 in favour of V.Amudhavalli and A.P.Srisha
Ex.P4	Photocopy of the petitioner's Aadhaar card
Ex.P5	Photocopy of the Aadhar card of petitioner's minor daughter A.P.Srisha



O.P.No.70 of 2023

<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Consent affidavit of petitioner's husband V.Prakash

21.04.2023

gba

K.KUMARESH BABU,J.

gba

O.P.No.70 of 2023



WEB COPY



O.P.No.70 of 2023

21.04.2023