



O.P.No.8 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.8 of 2023

V.Selvi

... Petitioner

PRAYER: Original Petition filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956 and under Order XXI Rules 2 and 3 of O.S. Rules, praying that the guardian is permitted to deal with the one forth undivided share of the minor in respect of the schedule mentioned property valued at Rs.20 lakhs in which minor share value is 5 lakhs by way of sale.

For Petitioner : Mr.M.Kamalakannan

ORDER

By this petition, the mother and natural guardian of the minor, V.Priyadharshini, seeks permission to deal with the minor's 1/4th undivided share in the property described in the schedule to the petition.



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2. The petitioner asserts that the above mentioned property was purchased by her husband under a sale deed dated 26.04.2000. Such sale deed was registered as Document No.914 of 2000 in the office of the Sub Registrar, Guduvancherry, Chennai. The petitioner's husband died on 30.11.2019. The petitioner states that her husband was survived by herself, her two daughters, and her mother-in-law. The schedule mentioned property has been assigned a value of Rs.20 lakhs. The petitioner, therefore, seeks permission to deal with her minor daughter's 1/4th share therein.

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, the 5 documents listed at the foot of this order were exhibited as Exs.P1 to P5. The death certificate of the petitioner's husband(Ex.P1) discloses that he died on 30.11.2019. The legal heirship certificate in respect of her husband(Ex.P3) discloses the names of the petitioner, her two daughters(including the minor daughter) and her mother-in-law as the Class-I legal heirs of the deceased. The birth certificate of the minor daughter (Ex.P2) discloses that she was born on 21.06.2008. As evidence of title of her husband to the relevant immovable asset, the



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registered sale deed dated 26.04.2000(Ex.P4) is placed on record. The petitioner has provided a declaration of willingness to be the guardian of the person and property of the minor (Ex.P5).

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 1/4th undivided share of her minor daughter in the property described in the schedule to the petition subject to the condition that 1/4th of the total sale proceeds shall be remitted into an interest bearing fixed deposit account in the name of the minor in a nationalised bank. Such fixed deposit shall be for an initial term of four years or until the minor attains the age of majority, whichever is earlier.

(ii) After completing the aforesaid, the petitioner shall file an affidavit of compliance.

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Petitioner's witness:

P.W.1 - Mrs.V.Selvi

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate
Ex.P2	Photocopy of the birth certificate of Priyadharshini
Ex.P3	Computer generated legal heirship certificate of Mr.Velu
Ex.P4	Photocopy of the registered sale deed dated 26.04.2000
Ex.P5	Declaration of willingness to accept the office of guardian of the person and property of minor V.Priyadharshini

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SENTHILKUMAR RAMAMOORTHY,J



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