



O.P.No.807 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.807 of 2022

Sarala

... Petitioner

PRAYER: Original Petition filed under Section 8(2) (a) of the Hindu Minority and Guardianship Act, 1956 read with Order XXI Rule 2 & 3 of Original Side Rules, to permit the petitioner to sell Minor. Shree Praveena's share in the petition schedule mentioned property and deposit the Minor. Shree Praveena's share of Rs.1,33,334/-(Rupees One Lakh Thirty Three Thousand Three Hundred and Thirty Four Only) in a Nationalised Bank in the form of Fixed Deposit till the Minor. Shree Praveena attains majority.

For Petitioner : Mr.M.Sarukesan

ORDER

By this petition, the mother and natural guardian of the minor, Shree.Praveena, seeks permission to deal with the minor's 1/3rd share in the property described in the schedule to the petition.

2. The petitioner asserts that the above mentioned property was inherited by the petitioner's mother in-law, late S.P.Saroja, by way of a



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registered Release Deed dated 04.11.1981. The said S.P.Saroja died on 23.01.2015, leaving behind her legal heirs including the petitioner's husband as one among the successors to the immovable property. The petitioner's husband S.P.Easwar Rao died on 11.03.2022. The petitioner states that her husband was survived by herself, and her two daughters, and their son predeceased her husband. The share of the petitioner's husband in the schedule mentioned property has been assigned a value of Rs.4,00,000/- (Rupees Four Lakh Only). The petitioner, therefore, seeks permission to sell her minor daughter's 1/3rd 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, 11 documents listed at the foot of this order were exhibited as Exs.P1 to P11. One G.Haribabu and H.Deepalakshmi has been examined as P.W.2 and P.W.3, one of the share holders who has agreed to purchase the scheduled mentioned property. The death certificate of the petitioner's husband (Ex.P4) discloses that he died on 11.03.2022. The legal heirship certificate in respect of her husband (Ex.P5) discloses the names of the petitioner, her two daughters (including the minor daughter) as the Class-I legal heirs of the deceased. The birth certificate of the minor daughter (Ex.P10) discloses that



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she was born on 13.11.2013. As evidence of title of her mother in-law to the relevant immovable asset, the registered Release Deed dated (Ex.P1) is placed on record.

4. Considering the evidences of P.W.2 and P.W.3, wherein they have specifically claimed that they are the co-sharers of the property along with the petitioner's husband and that they are willing to purchase the schedule mentioned property. I am convinced, that the value shown in the application for the property is an appropriate value.

5. 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 1/3rd share of her minor daughter in the property described in the schedule to the petition subject to the condition that 1/3rd of the total sale proceeds shall be remitted into an interest bearing fixed deposit account in the name of the minor in any of the Nationalised bank. Such fixed deposit shall be for an initial term of five years and renewed periodically until the minor attains the age of majority.

(ii) After completing the aforesaid, the petitioner shall provide the fixed deposit receipt before the Assistant Registrar (Original Side-II) of this Court.



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Index/ Yes/No

Speaking order: Yes/No

Neutral citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.Sarala

P.W.2 – Mr.G.Haribabu

P.W.3 – Mrs.H.Deepalakshmi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the registered Release Deed dated 04.11.1981
Ex.P2	Computer generated death certificate of S.P.Saroja
Ex.P3	Photocopy of legal heirship certificate of S.P.Saroja
Ex.P4	Computer generated death certificate of S.P.Easwar Rao
Ex.P5	Computer generated legal heirship certificate of S.P.Easwar Rao
Ex.P6	Photocopy of the family card of S.P.Easwar Rao
Ex.P7	Photocopy of the petitioner Aadhaar card
Ex.P8	Photocopy of Aadhaar card of Geetha
Ex.P9	Photocopy of the Aadhaar card of minor Shree Praveena
Ex.P.10	Computer generated birth certificate of S.P.Shree PRaveena
Ex.P11	Original affidavit of G.Haribabu and H.Deepalakshmi dated 21.11.2022.

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