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O.P.No.128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.128 of 2023

Dheepa K.L.P

... Petitioner

Prayer: Original Petition filed for permission under Section 8(2) of Hindu Minority and Guardianship Act, 1956 r/w Order XXI Rule 2 & 3 of Original Side Rules praying for

(a)grant permission to the petitioner, to sell the undivided immovable property of the minor's 1) Khyati Shri Vinisha I, 2) Kishorri Sri Krishikaa L & 3) Sri Sai Kothandaram L, morefully described in the schedule B hereunder i.e. 1/18th share of the Schedule A Property, measuring 1 ground and 1200 sq.ft situate at T.S.No.5/2 part of Block No.16, of Door No.4, 4th Main Road, Link Road, Kotturpuram Garden, Kotturpuram, Chennai-600 085, (Old Plot No.70 of sanctioned plan of Kotturpuram Scheme) and invest the sale proceeds in various safe and secured financial investments in the name of minor as the petitioner deems fit.

(b) pass such further or other orders as this Hon'ble Court may deem fit.

For Petitioner : Mr.V.Praveen Kumar

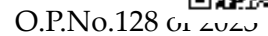


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ORDER

By this petition, the mother and natural guardian of the minor children namely, Khyati Shri Vinisha L, Kishorri Sri Krishikaa L and Sri Sai Kothandram L, seeks permission to sell the minors share in the property described in the schedule to the petition.

2.The petitioner asserts that the husband of the petitioner died intestate on 05.11.2015, and the property mentioned in the schedule to the petition were jointly purchased by three sons of R.S.Konthandaram, namely 1. R.S.K.Raguram, 2.R.S.K.Laksshmana Prabhu and 3.R.S.K.Sukumaran and now of the said three brothers R.S.K.Laksshmana Prabhu and R.S.K.Sukumaran had deceased. The deceased R.S.K.Laksshmana Prabhu is survived by the petitioner herein and there daughters, a son and his mother. Out of four children the above mentioned three children are minors. Each of the six legal heirs of the said R.S.K.Laksshmana Prabhu is entitled to 1/6th undivided share in the said 1/3rd undivided share in the schedule property, and that each of six legal heirs is entitled to 1/18th share. The petitioner further states that the land and building comprised in the schedule to the petition is not yielding sufficient income and it has become very difficult to maintain the property for want of funds. The land is also facing threat from encroachers, in these circumstances the family members have decided to sell the property and invest the sale proceeds of the minors in the secured financial investments.



(i) the petitioner is permitted to execute a sale deed for the shares of the minor children in the property described in the schedule to the petition, subject to the condition that the sale proceeds shall be remitted into an interest bearing fixed



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deposit in name of the respective minor in a nationalized bank. It is clarified that separate fixed deposit accounts shall be opened for each minor. Such fixed deposit shall be kept renewed until the respective minor attains the age of majority.

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

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Index :Yes/No

Internet: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.Dheepa K.L.P

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of Aadhaar card of Khyati Shri Vinisha L
Ex.P2	The computer generated birth certificate of Khyati Shri Vinisha L
Ex.P3	The photocopy of Aadhaar card of Kishorri Sri Krishikaa L
Ex.P4	The computer generated birth certificate of Kishorri Sri Krishikaa L
Ex.P5	The photocopy of Aadhaar card of Sri Sai Kothandaram L
Ex.P6	The computer generated birth certificate of Sri Sai Kothandaram L



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	The photocopy of the registered sale deed dated 03.10.2008 executed in favour of R.S.K.Raguraam, Mr.R.S.K.Laksshmana Prabhu and Mr.R.S.K.Sukumaran
Ex.P8	The photocopy of the valuation report dated 08.11.2022
Ex.P9	The photocopy of the death certificate of Mr.R.S.K.Laksshmana Prabhu
Ex.P10	The computer generated legal heir certificate of Mr.R.S.K.Laksshmana Prabhu
Ex.P11	The downloaded copy of the property tax receipt along with the property tax general revision 2022-23 in the name of R.S.K.Raguram and two others

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