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O.P.No.127 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.127 of 2023

S.Madhu

... 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 Likhitt Danaram.S, morefully described in the schedule B hereunder i.e. 1/12th 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

ORDER

By this petition, the mother and natural guardian of the minor child namely, Likhitt Danaram S, seeks permission to sell the minor's share in the property described in the schedule to the petition.



2. The petitioner asserts that her husband died intestate on 27.01.2020, and the property mentioned in the schedule to the petition is 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.Sukumaran is survived by the petitioner herein, his mother and two sons. Out of two children the above mentioned child is minor. Each of the four legal heirs of the said R.S.K.Sukumaran is entitled to $1/12^{\text{th}}$ undivided share in the said $1/3^{\text{rd}}$ undivided share in the schedule property. 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.

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, 7 documents listed at the foot of this order were exhibited as Exs.P1 to P7. The death certificate of the petitioner's husband (Ex.P5) discloses that he died on 27.01.2020. The legal heirship certificate in respect of her husband (Ex.P6)



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discloses the names of the petitioner, their children (including minor) and mother of the deceased as the Class-I legal heirs. The birth certificate of the minor S.Likhitt Danaram (Ex.P2) discloses that he was born on 02.02.2009. As evidence of title to the schedule mentioned property the registered sale deed dated 03.10.2008, executed in favour of R.S.K.Raguram, R.S.K.Laksshmana Prabhu and R.S.K.Sukumaran (Ex.P7) is placed on record.

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 execute a sale deed for the share of the minor 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 deposit in name of the minor in any nationalized bank. Such fixed deposit shall be kept renewed until the 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



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Petitioner's witness:

P.W.1 – Mrs.S.Madhu

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of Aadhaar card of S Likhitt Danaram
Ex.P2	The computer generated birth certificate of S Likhitt Danaram
Ex.P3	The photocopy of the registered sale deed dated 03.10.2008 executed in favour of R.S.K.Raguraman, Mr.R.S.K.Laksshmana Prabhu and Mr.R.S.K.Sukumaran
Ex.P4	The photocopy of the valuation report dated 08.11.2022
Ex.P5	The computer generated death certificate of Mr.R.S.K.Sukumaran
Ex.P6	The computer generated legal heir certificate of Mr.R.S.K.Sukumaran
Ex.P7	The downloaded copy of the property tax receipt along with the property tax general revision 2022-23 in the name of R.S.K.Raguraman and two others

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K.KUMARESH BABU,J.



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