



WEB COPY



O.P.No.211 of 2024

C.V.KARTHIKEYAN, J.

This Original Petition has been filed taking advantage of Section 8(2) of Hindu Minority and Guardianship Act, 1956 r/w with the relevant rules of the Original Side Rules and Clause XVII of Letters Patent Act, 1865, seeking permission to be granted to the petitioner to sell 1/12th share which falls to the share of her minor daughter, M.Sanjana with respect to the scheduled mentioned property. The property is house and ground at Old Door No.5, New Door No.9, Rathinam Avenue, Rajaji Nagar Extension, Villivakkam, Chennai – 600 049 measuring 1212 sq.ft.

2.It is contended that if the property is to be divided into metes and bounds, the co-sharers would get only negligible portion of around 300 to 400 sq.ft., and it would not be possible for them to enjoy it or to put it to any advantageous use. It is therefore contended that, it would be in the interest of all the sharers, the property is decided to sell. In the said property, 1/12th share has fallen to the minor daughter of the petitioner. The petitioner is also entitled to a share, so also her other daughter, who had attained the age of majority. There are also other coparceners, who are relatives of the husband



of the petitioner. The father-in-law and mother-in-law of the petitioner have both died and the husband of the petitioner had also died. It is under those circumstances, this petition has been filed seeking to appoint the petitioner as a guardian of her minor daughter with specific permission to sell the share of the minor in the property.

3.After following due procedure, the petitioner was directed to tender evidence and accordingly, she examined herself as PW-1. The document relating to the property was marked as Ex.P1. The death certificate of her father-in-law and mother-in-law and the legal heirship certificate of her mother-in-law were marked as Exs.P2, P3 and P4. The death certificate and the legal heirship certificate of her husband, R.Mohan, were marked as Exs.P5 and P6. The coparceners had entered into an agreement of sale and a copy of the same had been marked as Ex.P10.

4.Taking into consideration the evidence recorded and the circumstance for which the petitioner has to necessarily sell the share of the minor for the future expenses, this Original Petition stands allowed.



5.A direction is issued that, on registration of the sale deed, the petitioner must deposit the share consideration of the minor in any nationalised bank and deposit the receipt to the credit of the present O.P.No.211 of 2024. She is permitted to withdraw the interest at every quarter for any expenses. If she wants to withdraw a portion of sale consideration for any emergent purpose, the petitioner is at liberty to file necessary application and seek permission from the Court.

13.06.2024

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