



WEB COPY



O.P.No.210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 210 of 2024

B.Vani

... Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 and 3 of the Original Side Rules to permit the petitioner herein to sell the minor's undivided share of land measuring 106.5 sq.ft. in the schedule property and to permit the petitioner to deposit the amount of Rs.7,00,000/- in favour of the minor B.Logesh in any Nationalized Bank.

For Petitioner : Mr.D.Senthil Kumaar

ORDER

The petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956, seeking permission to sell her minor son's undivided share, which is 1/21st share out of the larger area of 2235 sq.ft and which comes to 106.5 sq.ft land in the land in property at Door No.214, Chellappa Street, Kosapet, Chennai.



O.P.No.210 of 2024

2. The petitioner has another son who has attained the age of majority. It is stated that the husband of the petitioner had died on 20.03.2018 and the petitioner and her two sons are the only legal heirs. It is stated that the property had devolved on to the husband of the petitioner along with his brothers and sisters and the petitioner was entitled to undivided 1/12 share. It is stated that the property will have to be sold and all the other co-owners have also agreed to sell the property. Since the son of the petitioner is a minor, this petition has been filed, seeking permission to sell the property.

3. The petitioner was examined as P.W.1 and the purchaser/Builder was examined as P.W.2. During evidence, the petitioner filed the death certificate of her husband as Ex.P3 and his legal heirship certificate as Ex.P4. The sale deed with respect to the property was marked as Ex.P5. The birth certificate of her minor son was marked as Ex.P6. The Builder was examined as P.W.2 and in his proof affidavit, he affirmed his interest and commitment to purchase the said property. He also stated that the share of the minor in the sale consideration,



O.P.No.210 of 2024

namely Rs.7,00,000/- would be deposited in a Fixed Deposit in the name of the minor son of the petitioner.

4. Taking the evidence into consideration and the documents produced, the Original Petition stands allowed with the following directions. The property can be sold, however, the share of the minor son must be deposited in a Fixed Deposit in the name of the minor and in the name of the petitioner. The Fixed Deposit receipt may be deposited into Court in O.P. No. 210 of 2024. The petitioner is permitted to withdraw the interest and utilize it for the purpose of any expenses for the minor child. The petitioner is also permitted to withdraw any portion of the principal amount when need arises and for that purpose, she is also permitted to file any application before this Court.

19.06.2024

Index :Yes/No

gsa

APPENDIX

Petitioner's witness:

P.W.1 – Mrs.B.Vani

P.W.2 – Mr.M.Selvakumar

Page 3 of 4



WEB COPY



O.P.No.210 of 2024

C.V.KARTHIKEYAN,J.

Gsa

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Ramanujam.
Ex.P2	Photocopy of the legal heirship certificate of Mr.Ramanujam (compared with the original).
Ex.P3	Computer generated death certificate of Mr.Balasubramani.
Ex.P4	Computer generated legal heir certificate of Mr.Balasubramani.
Ex.P5	Photocopy of the sale deed dated 27.09.1957 executed in favour of Mr.R.Ramanujam (compared with original).
Ex.P6	Computer generated birth certificate of Mr.B.Logesh.
Ex.P7	Photocopy of the Aadhaar Card of minor Logesh (compared with original).
Ex.P8	Photocopy of my Aadhaar Card (compared with original).
Ex.P9	Photocopy of the sale agreement dated 28.02.2024 (compared with the original).
Ex.P10	Original authorization letter dated 13.06.2024.

19.06.2024

gsa

O.P. No. 210 of 2024