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O.P.No.286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 286 of 2024

1.B.Munavar Ahamed

2.Ansari Begum

... Petitioners

PRAYER: Original Petition filed under Sections 3, 7, 10 and 29 of the Guardians and Wards Act VIII of 1890 read with Order XXI Rules 2,3 and 5 of Original Side Rules read with Clause 17 of the Letters Patent Act to permit the 1st petitioner to sell the undivided 1/3 share of Minor M.Mohammed, in the property described in Schedule of Property and to permit the 1st petitioner to deposit the sale proceeds of the Minor's 1/3 share to deposit in the long term fixed deposit in the name of the minor in any one of the Nationalized Bank.

For Petitioners : Mr.H.Thameem Ansari

ORDER

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The petition has been filed under the relevant provisions of the Guardians and Wards Act, 1890, seeking permission to sell the 1/3rd share of the minor son of the two petitioners, M.Mohammed, who is aged about 14 years.

2. The property had been described in the schedule to the petition. The property had been purchased by the 1st petitioner in his name and in the name of his elder daughter, Fathima Munavar Ahamed Basheer who has attained the age of majority and in the name of his minor son M.Mohammed, who was born on 22.03.2009. The reason for sale of the property is to provide for the educational expenses of the daughter who is now studying II year Micro Biology in M.G.R. University at Chennai and also of the minor son who is studying in St.John's Senior Hr. Sec. School at Mandaveli, Chennai. It is stated that an agreement of sale had been entered into with the intending purchaser and in order to convey the share of the minor, the petitioners must be appointed as guardian along with the right to convey the said property. It is under those circumstances, that this petition has been filed.



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3. After following due procedure, the petitioners were directed to tender evidence and accordingly, the 1st petitioner examined himself as P.W.1 and filed his proof affidavit. He also produced Ex.P1 – copy of the marriage certificate with the 2nd petitioner and Exs.P2 and P3, copies of the birth certificates of his daughter and son. He further produced Ex.P4, which is the copy of the agreement of sale dated 16.02.2024.

4. Taking into consideration the nature of evidence recorded and the documents produced, the Original Petition stands allowed with the following direction. The 1st petitioner is appointed as guardian of his minor son M.Mohammed and permission is also granted to sell the property described in the schedule to the petition. The 1/3rd share of the minor son should be deposited in a Nationalized Bank in a Fixed Deposit and the Fixed Deposit receipt should be deposited in the Court to the credit of O.P.No.286 of 2024. The 1st petitioner is at liberty to withdraw the accrued interest every quarterly, towards the expenses of the minor son. If at all in the future he requires to withdraw a portion of the sale consideration of the minor or the sale consideration in entirety, he is at



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liberty to file any application before this Court.

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APPENDIX

Petitioners' witness:

P.W.1 – Mr.B.Munavar Ahamed

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of my marriage certificate with second petitioner dated 16.07.2000 (compared with the original).
Ex.P2	Photocopy of the birth certificate of my minor daughter Fathima Munavar Ahamed Basheer (compared with the original).
Ex.P3	Photocopy of the birth certificate of my minor son Mohammed Munavar Ahamed Basheer (compared with the original).
Ex.P4	Photocopy of the agreement for sale dated 16.02.2024 (compared with the original).
Ex.P5	Photocopy of my Aadhaar card (compared with the original).
Ex.P6	Photocopy of my Aadhaar card of the 2 nd petitioner (compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	Photocopy of my Aadhaar card of my minor son Mohammed Munavar Ahamed Basheer (compared with the original).
Ex.P8	Photocopy of my family card (compared with the original).
Ex.P9	Photocopy of the sale deed dated 11.01.2018 (compared with the original).

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C.V.KARTHIKEYAN,J.

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