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O.P.No.289 of 2024

C.V.KARTHIKEYAN, J.

This Original Petition has been filed taking advantage of Section 8(2) of the Hindu Minority and Guardianship Act, 1956 seeking permission to develop the A schedule property, in which the minor son of the petitioner has a share and to transfer 126 sq.ft out of 402.40 sq.ft of undivided share of the minor which has been described in B schedule to the prospective purchaser M/s.Sri Balavinayagar Builders LLP.

2.The petitioner is the father of the minor. It is stated that the property in schedule A had been agreed to be developed and in this connection, all the sharers had entered into an agreement with M/s.Sri Balavinayagar Builders LLP. It is under those circumstances, this petition has been filed to deal with the undivided share of the minor.

3.After following due procedure, the petitioner was directed to tender evidence and accordingly, he examined himself as PW-1. The copy of the settlement deed dated 18.12.2019 executed in favour of the minor was marked as Ex.P1. The Birth Certificate of the minor was marked as Ex.P2. The documents relating to the property were marked as Exs.P4



and P5.

4.The petitioner also examined Mr.Pa.Baalakumar, CEO of M/s.Sri Balavinayagar Builders LLP as PW-2. In his affidavit, he had stated that his firm had taken a joint venture project with respect to the property in J Block Turnbulls Road, Nandanam, Chennai – 35. There are already 24 flats. It is stated that they are developing all the 24 flats through joint venture. They are going to construct 30 flats. It is also affirmed that he is aware that the minor has a share and that they would proceed further with the agreement.

5.Taking into consideration the nature of evidence adduced and the documents produced, the Original Petition stands allowed. The petitioner is granted permission for developing A schedule property even with respect to the share of the minor, which is described in B schedule property. The petitioner is directed to deposit the sale consideration received, which falls to the share of the minor, in any nationalized bank and deposit the fixed deposit receipts before this Court in O.P.No.289 of 2024. The petitioner can enjoy the quarterly interest and if he wants to withdraw a portion of sale consideration for any emergent purpose or to



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withdraw any part of the amount in the fixed deposit before maturity, the petitioner is at liberty to file necessary application and seek permission from the Court.

11.07.2024

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