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O.P.No.357 of 2024

C.V.KARTHIKEYAN, J.

This Original Petition has been filed under Section 8(2)(a) of the Hindu Minority and Guardianship Act, 1956 seeking permission to the petitioner to sell the undivided share of minor in a property at Plot No.5 comprised in Old Survey No.153/1 New Survey No.153/1A4, Perungalathur Village, Kancheepuram District measuring 2398 sq.ft. The property originally belonged to her father-in-law, P.S.Sundaramurthi. He died intestate on 30.04.2007. The husband of the petitioner, S.Vijayakumar, also died intestate on 17.11.2020. His brothers and sisters have now taken a decision to sell that particular property and in the same, her minor son is entitled for 1/16th share in the property and since he is a minor, permission is required before effecting such agreement. It is also stated that the share of the minor would come to Rs.6,32,250/- out of the total consideration of Rs.1,01,16,000/-.

2.After following due procedure, the petitioner was directed to tender evidence. She was examined herself as PW-1. The death certificate and legal heirship certificate of her father-in-law were marked as Exs.P1 and P2. The death certificate and legal heirship certificate of her husband were marked as Exs.P3 and P4. The birth certificate of her minor child was marked as Ex.P5.



The documents relating to the property were marked as Exs.P6 to P10. The proposed purchaser, R.V.Akila was also examined as PW-2. She affirmed the agreement of sale dated 22.04.2024 and also the terms therein and stated that she is prepared to execute the sale deed in accordance with the said agreement.

3.Taking into consideration the nature of evidence adduced and the documents produced, this Original Petition stands allowed. The petitioner is granted permission for executing sale deed with respect to the share of the minor, which is described in the schedule to the petition. 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.357 of 2024. The petitioner can enjoy the quarterly interest towards the expenses of the minor child and if she wants to withdraw a portion of sale consideration, before the minor attains the age of 18 years, for any emergent purpose or to withdraw the amount in the fixed deposit before maturity, the petitioner is directed to file necessary application in that regard and seek permission from the Court.

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