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O.P.No.396 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 396 of 2024

G.Sumathi

... Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956, read with Order XXI Rules 2 and 3 of the Original Side Rules to permit the petitioner to execute a release deed pertaining to the two-sixth undivided shares inherited by the said minors in respect of the Item No.1 property being, all that piece and parcel of House, Ground and Premises situated at Plot No.16, Present Door No.27, North High Court Colony, Villivakkam, Chennai 600 049 bearing Old Survey Nos.339/2 & 340, Town Survey No.151, Block No.53, Konnur Village, now Ayanavaram Taluk, Chennai (urban) District measuring an extent of 1799.5 Square Feet or thereabouts situated within the Registration District of Chennai North and Sub Registration District of Konnur.

For Petitioner : Mr.N.V.N.Margandeyan

ORDER

The petition has been filed under Section 8(2) of the Hindu



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Minority and Guardianship Act, 1956, seeking permission to execute a release deed relating to the 2/12th undivided share inherited by T.N.Mrigesh and T.N.Sagana, both minors and son and daughter of the petitioner herein with respect to the property at Plot No.16, present Door No.27, North High Court Colony, Villivakkam, Chennai 600 049, totally measuring to an extent of 1799.5 Sq.ft.

2. In the petition it had been stated that the husband of the petitioner, T.K.Narendra Babu died on 23.11.2009. He was entitled to an undivided 1/3rd share in the said property. The property had been jointly purchased in his name and in the name of T.K.Vimalammal, his mother and elder brother T.Hemachandran by a sale deed dated 12.09.2002, registered as Document No.3407 of 2002 in the Office of the Sub-Registrar, Konnur. It had been stated that her husband was also entitled to undivided 1/2 share in yet another property which is situated at Survey No.268/1, Kilmudalambedu Madura Kavaraipettai Village, Gummidipoondi Taluk, Thiruvallur District, measuring 1980 Sq.ft and which consists of a two storied building. It had been stated that owing to



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the death of her husband, there was an internal arrangement made with respect to the properties and the petitioner had agreed to execute a release deed with respect to her share and also with respect to the share of the minors in the property at Villivakkam and thereafter, the brother of the husband of the petitioner would execute a release deed with respect to his undivided share in the property at Gummidipoondi Taluk in Tiruvallur District. It is under those circumstances that this petition has been filed. A memo had also been subsequently filed by the learned counsel for the petitioner, wherein in para 12(i), the share of the minors which had been wrongly given as $2/6^{\text{th}}$ share, was sought to be corrected to $2/12^{\text{th}}$ share. The said memo is recorded.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined herself as P.W.1. The birth certificate of the two minor children were marked as Exs.P1 and P2, death certificate and the legal heir certificate of her mother-in-law, Vimalamma were marked as Exs.P7 and P8. The document relating to the property at Villivakkam was marked as Ex.P5. The settlement deed



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in favour of the mother-in-law was marked as Ex.P6. The petitioner also examined the elder brother of her husband T.Hemachandran as P.W.2 and he filed his proof affidavit wherein he had undertaken that he would execute the release deed in favour of the petitioner and the two minor children with respect to the property at Gummidipoondi Taluk in Tiruvallur District.

4. Taking into consideration the nature of evidences adduced and documents produced, this Original Petition stands allowed. The petitioner is permitted to execute the release deed to the extent of undivided 2/12th share of the two minor children with respect to the property at Villivakkam.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.G.Sumathi
P.W.2 – T.Hemachandran



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Documents marked:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the birth certificate of the minor T.N.Mrighesh (compared with the original).
Ex.P2	Computer generated birth certificate of the minor T.N.Sagana along with the certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P3	Computer generated death certificate of Mr.T.K.Narendra Babu along with the certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P4	Photocopy of the legal heirship certificate of Mr.T.K.Narendra Babu (compared with the original).
Ex.P5	Photocopy of the sale deed dated 12.09.2002 executed in favour of Mrs.T.K.Vimala and two others (compared with the original).
Ex.P6	Photocopy of the settlement deed dated 01.04.1985 executed in favour of Mrs.T.K.Vimalamma (compared with the original).
Ex.P7	Computer generated death certificate of Mrs.Vimalamma along with the certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P8	Computer generated legal heir ship certificate of Mrs.Vimalamma along with the certificate under Section



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<i>Exhibits</i>	<i>Documents</i>
	65B of the Indian Evidence Act, 1872.
Ex.P9	Photocopy of my Aadhaar Card (compared with the original).
Ex.P10	My declaration of willingness.
Ex.P11	Photocopy of the Aadhaar Card of Mr.T.Hemachandran (compared with the original).

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C.V.KARTHIKEYAN,J.

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