



WEB COPY



O.P.No.356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 356 of 2024

V.Selvam

... 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 Rules and Clause XVII of Letters Patent Act to permit the petitioner to sell the minor's 1/4th share in the schedule mentioned property for Rs.6,00,000/- to one Jayavelu and to direct to deposit the 50% of sale proceeds in the name of minor S.Karthikeyan in any of the Nationalized Bank.

For Petitioner : Mr.S.Raja Ravi Varma

ORDER

The petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956, seeking permission to sell the property which is in the name of the minor son of the petitioner, S.Karthikeyan.

2. It is stated that the property is land and building and is situated



O.P.No.356 of 2024

at Kunrathur Village in Kancheepuram District. The property had been purchased by sale deed dated 19.07.2017 in the name of the mother of the petitioner, the petitioner, his wife and the minor son. All 4 of them are entitled to an undivided $1/4^{\text{th}}$ share. It is stated that the $3/4$ share had been already sold by a sale deed dated 10.08.2022 in favour of one V.Jayavelu. It is stated that at the time of entering into an agreement of sale, an advance of Rs.1,00,000/- which is the share of the minor had been received. The total share of the minor which is $1/4^{\text{th}}$ share and about 212 Sq.ft comes to Rs.6,00,000/-. It is also contended that out of balance sale consideration of Rs.5,00,000/-, school fees of the minor will have to be paid, which comes to Rs.1,50,000/-. It is further undertaken that the balance of Rs.3,50,000/- would be deposited in the bank and further directions may be issued by the Court.

3. After following due procedure, the petitioner was directed to tender evidence and accordingly, the petitioner examined himself as P.W.1. The birth certificate of the minor S.Karthikeyan was marked as Ex.P1. The sale deed by which $3/4^{\text{th}}$ undivided share was sold to



O.P.No.356 of 2024

V.Jayavelu was marked as Ex.P5. The print out of the encumbrance certificates was marked as Ex.P7 series. The details relating to the school fees was marked as Ex.P6 series.

4. Taking into consideration the nature of evidence adduced and documents produced, this Original Petition is allowed. Out of the balance sale consideration of Rs.5,00,000/-, the petitioner may utilize Rs.1,50,000/- towards school fees of the minor and deposit the balance of Rs.3,50,000/- in a Fixed Deposit in any nationalized bank and deposit the said Fixed Deposit receipt before the Court to the credit of O.P.No.356 of 2024. The petitioner is permitted to withdraw interest every quarterly. If the petitioner seeks permission to withdraw any portion of the amount invested, then he is at liberty to file necessary application.

15.07.2024

Index :Yes/No
gsa



O.P.No.356 of 2024

APPENDIX

Petitioner's witness:

P.W.1 – Mr.V.Selvam

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated birth certificate of Mr.S.Karthikeyan.
Ex.P2	Photocopy of my Aadhaar card (compared with the original).
Ex.P3	Photocopy of the Aadhaar card of minor Karthikeyan (compared with original).
Ex.P4	Photocopy of the sale deed dated 19.07.2017 executed in favour of V.Ellammal, V.Selvam, S.Savetha and S.Karthikeyan (compared with the original).
Ex.P5	Photocopy of the sale deed dated 10.08.2022 executed in favour of Mr.V.Jayavel (compared with the original).
Ex.P6	(Series 2 Nos.) are the photocopies of the school fees receipts paid to S.Karthikeyan (compared with the original).
Ex.P7	(Series 2 Nos.) are the online printouts of encumbrance certificates dated 05.05.2024 in respect of the schedule mentioned property.
Ex.P8	Certificate under Section 65B of the Indian Evidence Act, 1872.

15.07.2024

gsa

C.V.KARTHIKEYAN,J.



WEB COPY



O.P.No.356 of 2024

Gsa

O.P. No. 356 of 2024

15.07.2024