



O.P.No.539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

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N.Kalaivani

...

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 Original Side Rules, praying to sell the schedule 'B' mentioned property as agreed upon by an agreement of sale dated 26.12.2023 with one S.Bhaskar S/o Sambandam, residing at New Door No.810, Thiruvotriyur High Road, Old Washermenpet, Chennai 600 021.

For petitioner : Mr.S.Patrick

ORDER

This Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 and 3 of Original Side Rules, praying to sell the schedule 'B' mentioned property as agreed



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upon by an agreement of sale dated 26.12.2023 with one Mr.S.Bhaskar the proposed purchaser.

2. The learned counsel for the petitioner submitted that the petitioner herein is the mother and natural guardian of minor N.Praghalesh. The father of the minor N.Praghalesh, Mr.S.Narendra Kumar died intestate on 01.05.2021. He left behind his wife, N.Kalaivani, the Petitioner herein, mother S.Saroja and two sons N.Yuvanesh and N.Praghalesh.

2.1. The learned counsel for the petitioner / mother further submitted that 'A' schedule property being House and premises bearing previous Door No. 132, Old Door Nos. 520, New Door No. 810, Thiruvotriyur High Road, Old Washermenpet, Chennai - 600 021, measuring an extent of 1,506 sq.ft. comprised in O.S.No. 912, C.C. No. 290 and R.S. No. 2203/2 of Tondiarpet Revenue Village. It was originally owned by Mr.A.Sambandam, who acquired title through a settlement deed dated 17.07.1958, registered as Document No. 2491 of 1958 on the file of SRO, Madras-Chengalpet executed by his father, Arumuga Chettiar. Mr.Sambandam settled the 'A' schedule property in favor of his two sons, S.Bhaskar and S.Narendra Kumar equally, through a settlement deed dated 09.05.2014, registered as Document



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No.1392 of 2014 on the file of SRO, Royapuram. Following the intestate death of S. Narendra Kumar, he left behind his wife, his mother and two sons intending for them to inherit his 50% of undivided share in the schedule 'A' mentioned property.

2.2. The learned counsel for the petitioner / mother further submitted that the mother of the deceased, S.Saroja, transferred her 1/8 undivided share (188.25 sq.ft.) to S.Bhaskar vide Document No. 3030 of 2021 dated 27.10.2021. Thus, S. Bhaskar became the owner of 5/8 undivided share and the petitioner and her sons became the owner of 3/8 undivided share in the 'A' Schedule property.

2.3. The petitioner / mother, facing financial challenges as a widow, emphasized the necessity of prioritizing her minor son's welfare, especially regarding his education. To this end, she and her eldest son planned to sell their combined 2/8 share. Accordingly, on 17.06.2023, the petitioner / mother entered into an oral sale agreement with S. Bhaskar, the petitioner's brother in law, for her 1/8 share and her first son's 1/8 share of the 'A' schedule property for a total consideration of Rs. 27,48,480 (Rs. 13,74,225 each). Under this agreement, the total consideration was paid into the



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accounts of both the petitioner / mother and her first son.

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2.4. The petitioner / mother further entered into agreement of sale on 26.12.2023 with S.Bhaskar, in respect of 'B' Schedule property on behalf of her minor son N.Praghalesh for a sale consideration of Rs. 13,74,225, and received the part of sale consideration as an advance payment of Rs.1,90,000/-.

2.5. Given that the petitioner's minor son, N.Praghalesh has recently completed the 10th grade and is preparing to enter the 11th grade at Don Bosco School in Egmore, the petitioner / mother finds it essential to ensure his education and overall quality of life. The petitioner / mother believes that selling her son's share, along with her own and her first son's, is imperative for fulfilling these needs. Thus, it is prayed to this Hon'ble Court to permit the sale of the schedule 'B' property.

3. The petitioner / mother Mrs.N.Kalaivani examined herself as P.W.1 and marked Exs.P1 to P11. The proposed purchaser Mr.S.Bhaskar was examined as P.W.2. He deposed that he is willing to purchase the property and undertakes to complete the transaction at the earliest.



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4. Taking into consideration, the welfare of the minor child and to meet the educational and medical expenses, this Court is of the considered view that the sale of the property will be beneficial to the minor.

5. Accordingly, the original petition is allowed. The sale transaction to be completed within a period of 8 weeks from the date of receipt of a copy of this order. After receipt of sale consideration, the minor's share shall be deposited in the name of the minor in the Indian Bank, High Court Branch, Chennai, in fixed deposit, till the minor attains majority. The petitioner / mother is entitled to receive the interest once in 3 months on the fixed deposit till the minor attains majority. Copy of Sale deed to be produced before this Court within one month from the date of registration of sale deed.

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Neutral Citation: Yes/No
Speaking order : Yes/No
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APPENDIX

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Petitioner's witness:

P.W.1 - Mrs.N.Kalaivani

P.W.2 - Mr.S.Bhaskar

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Photocopy of the settlement deed dated 17.07.1958 executed by Mr.Arumuga Chettiar (Compared with the original)	P1
2	Computer generated birth certificate of minor N.Praghalesh	P2
3	Photocopy of the settlement deed dated 09.05.2014 executed by Mr.A.Sambandam in favour of his sons (Compared with the original)	P3
4	Computer generated death certificate of Mr.S.Narendra Kumar	P4
5	Computer generated legal heir ship certificate of Mr.S.Narendra Kumar	P5
6	Photocopy of the deed of irrevocable settlement dated 27.10.2021 executed by Mrs.S.Saroja in favour of Mr.S.Bhaskar (Compared with the original)	P6
7	Photocopy of the unregistered agreement for sale dated 26.12.2023 (Compared with the original)	P7
8	Photocopy of the valuation report dated 16.04.2024 (Compared with the original)	P8
9	Photocopy of the Aadhaar Card (P.W.1) (Compared with the original)	P9
10	Photocopy of the Aadhaar Card of minor Praghalesh (Compared with the original)	P10
11	Certificate under Section 65B of the Indian Evidence	P11



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<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
	Act, 1872	

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RMT. TEEKAA RAMAN, J.

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To:

The Manager,

Indian Bank,

High Court, Madras.

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