



O.P.No. 586 of 2023

C.V.KARTHIKEYAN, J.

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Petition has been filed under Sections 7, 29, 33 of the Guardian and Wards Act, 1890 read with Order XXI Rules 2 and 3 of the Original Side Rules, by the mother of the minor child, who is now aged 17 years, seeking permission to appoint the petitioner as the guardian including the properties of the minor and to sell 50% of the undivided share belonging to the minor in schedule in Item No. 1 which is land in plot Nos. 94 and 95 measuring an extent of 6384 sq.ft., in Venkateswara Nagar, Layout in S.Nos. 106, 107/2 and 108 Madhuravoyal Village and more particularly described as schedule A item No.1, Annexure No.1 of the petition.

2. In the said schedule, it is stated that the market value of the property is at Rs.1,39,17,120/-. A glance of the background facts would reveal that the petitioner is the second wife of Javid Iqbal, who died on 09.03.2017 and at that time, he also left behind his first wife Deepthi @ Nafiza Begum and the son born to her namely D.J.Reteck and also the minor, whose property is now sought to be sold Mohamed Iqbal. Thereafter, a partition suit had been instituted by



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Nafiza Begum, the first wife in C.S.No. 118 of 2018 before this Court and a compromise decree was passed on 10.10.2018 dividing the properties available between the parties. This particular property which had been very specifically described in item No.1 schedule A to annexure No.1 of the petition had been allotted equally to the petitioner and to her minor son Mohamed Iqbal. It should also be stated that the Judgment in C.S.No. 118 of 2018 had been marked as Ex.P-5. Thereafter, the petitioner had filed O.P.No. 587 of 2021 to sell another particular property which was allotted to the minor and that was ordered and the order is dated 28.01.2022 had been marked as Ex.P-7.

3. The petitioner now claims that having obtained a valuation report, which has been marked as Ex.P-10, it would only be to the advantage of the minor if his share is sold for the aforementioned property.

4. The learned counsel for the petitioner stated that the petitioner intends to purchase yet another property which would be suitable and convenient to the minor child and on such purchase to file an affidavit before this Court and abide by those conditions.



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5. Taking all the factors into consideration and also perusing the evidence available on record, this Original Petition stands allowed.

6. Six months time is granted to sell the property. If it is not sold, an application seeking extension of time to be filed. If it is sold, an affidavit to be filed before this Court with respect to the document of sale of the property and also for purchase of another property. This Petitioner is also appointed as Guardian of the minor as prayed for.

vsg

03.04.2024



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