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O.P.No.640 of 2023

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N.SATHISH KUMAR, J.

This Petition has been filed under Section 8 [2] of the Guardians and Wards Act, 1980 and Order XXI Rule 2 and 3 of Original Side Rules seeking permission to to sell the property in the name of the minor to any willing prospective purchaser for valuable consideration.

2. The case of the petitioner is that the minor Chetan is the son of the brother of the petitioner. The petitioner has been appointed as the guardian of the Minor Chetan as per the Order of this Court dated 17.02.2022 made in O.P.No.624 of 2021. It is his further contention that the schedule property has been purchased by the mother of the minor and it is a vacant site situated in suburban area of Chennai and it is very difficult for the petitioner to maintain the property. Since it is a vacant site, other persons are attempting to trespass into the property. The petitioner has also given



O.P.No.640 of 2023

WEB COPY

police complaint in this regard. Hence, the petitioner seeks to sell the property of the minor and deposit the sale proceeds into a nationalized bank under fixed deposit, till the minor attains majority. Hence, the petitioner seeks permission of this Court to sell the property in the name of the minor.

3. The petitioner examined himself as P.W.1 and marked documents Ex.P.1 to P.7.

4. P.W.1 in his evidence has reiterated the averments in the petition and seeks permission of this Court to sell the property in the name of the minor. Ex.P.1 is the copy of the sale deed dated 28.09.1988 in favour of Mrs.Sheetal R.Wadhwa. Ex.P.2 and Ex.P.3 are computer generated death certificates of the parents of the minor. Ex.P.4 is the computer generated legal heir certificate of the mother of the minor. Ex.P.4 shows that the minor Chetan is the legal heir of Sheetal R.Wadhwa. Ex.P.5 is the birth certificate of minor Chetan. Ex.P.5 show that the minor was born on 19.08.2011. Ex.P.6 is the certified copy of the Order dated 17.02.2022



O.P.No.640 of 2023

WEB COPY

made in O.P.No.624 of 2021 appointing the petitioner as the guardian of the minor Chetan. Ex.P.7 is the copy of the unregistered agreement for sale dated 23.01.2024.

5. It is the further evidence of P.W.1 that for the betterment of minor, the petitioner seeks permission of this Court to sell the property of the minor. As the property is a vacant site, the petitioner is not in a position to maintain the property and also for the benefit and best interest of the minor. Permission may be accorded to the petitioner to sell the property.

6. Considering the averments made in the petition and on perusing the materials available on record, I am of the opinion that the petitioner is entitled for the relief as sought for in the petition.

7. Accordingly, this petition is ordered, the petitioner is permitted to sell the property on behalf of the minor on condition that the petitioner shall deposit the sale proceeds of Rs.65,00,000/- [Rupees Sixty five lakhs only]



O.P.No.640 of 2023

WEB COPY

in interest bearing fixed deposit in any of the nationalized bank till the minor attains majority. The petitioner shall produce a copy of the deposit receipt within one month from the date of the execution of the sale deed in favour of the purchaser and the petitioner is permitted to receive the accrued interest from the deposit once in three months for the purpose of the education of the minor.

19.03.2024

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O.P.No.640 of 2023

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