



O.P.No.6 of 2024

**O.P.No.6 of 2024**

WEB COPY

**N.SATHISH KUMAR, J.**

This Petition has been filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956 read with Order XXI Rule 2 and 3 of Original Side Rules, seeking to permit the petitioner as natural guardian to sell the share of minors share (1/4<sup>th</sup>) share and allow to deposit the minors' half share in the total sale consideration in any one of the Nationalised Bank and to withdraw the interest of the amount deposited from the Nationalised Bank, once in three months till the minors attain majority and to use the same for the welfare of the minors.

2. The case of the petitioner is that the husband of the petitioner is the absolute owner of the schedule property, died intestate on 06.08.2023 leaving behind the petitioner/wife, Tmt.Sakunthala Patra/mother and two minor sons namely Shubhadeep Patra and Sudeep Patra. Since the petitioner wants to utilise the money for the welfare of the minor, she has filed the



O.P.No.6 of 2024

present petition for the relief stated supra.

WEB COPY

3. The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and marked Ex.P.1 to P.11. P.W.1 in her evidence has stated that the masters J Shubhadeep Patra and Sudeep Patra were born to the petitioner and her husband Prashanth Patra. Ex.P.1 is computer generated birth certificate of the master Shubhadeep Patra. Ex.P.2 is computer generated birth certificate of the master Sudeep Patra. Ex.P.4 is the computer generated death certificate the said Prashant Patra. Ex.P.4 shows that the husband of the petitioner died on 06.08.2023. Ex.P.5 is the computer generated legal heir certificate of the deceased. Ex.P6 is the photocopy of the sale agreement dated 29.09.2023 in favour Mr.R.Manikandan and Mrs.M.Bhavani.

4. It is the further evidence of P.W.1 that for the betterment of minors and for the purpose of their future educational expenses, she had decided to dispose of the property. Ex.P9 is the declaration of the willingness of the petitioner to accept the office of guardian of the person and property in



O.P.No.6 of 2024

respect of her minor sons. Ex.P10 and Ex.P11 are the copies of the paper publications. Despite paper publications, none objected.

5. 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 reliefs as sought for in the petition.

6. Accordingly, this petition is ordered, the petitioner is appointed as the Guardian of the person and property of the masters Shubhadeep Patra and Sudeep Patra. The petitioner is also permitted to sell the property mentioned in the schedule on behalf of the minors and deposit a sum of Rs.12,50,000/- [Rupees twelve lakhs fifty thousands only] in a fixed deposit in any of the nationalized bank in the name of the minors, 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 shall receive the accrued interest, once in three months, from the deposit for the purpose of the education of the masters Shubhadeep Patra and Sudeep Patra. The petitioner shall execute a



O.P.No.6 of 2024

Guardian Bond for a sum of Rs.25,000/- in favour of Assistant Registrar

O.S.(II), High Court, Madras.

12.02.2024

dhk



WEB COPY



O.P.No.6 of 2024

**N.SATHISH KUMAR, J.**

dhk

**O.P.No.6 of 2024**

**12.02.2024**