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O.P.No.807 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, 3 and 5 of Original Side Rules seeking permission to sell the 1/4th share of the minor in the property in favour of a prospective buyer for a sum of Rs.1,06,12,500/- and to deposit a sum of Rs.52,00,000/- from the sale proceeds in the name of the minor in any of the nationalised bank until she attains the age of majority.

2. The case of the petitioner is that the schedule property to a total extent of 16.36 Acres situated at Nilavoor Village, Yelagiri Hills has been purchased by the father of the minor Ajay Jhaver. After the death of the said Ajay Jhaver, his surviving legal heirs, viz., his wife, the petitioner herein and his daughter Aashna Jhaver, daughter Ishika Jhaver and minor Teesha Jhaver. The petitioner being the mother, in order to maintain the minor and also to take care of her education, seeks to sell share of the minor. It is the further case of the petitioner that she has filed this petition seeking



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permission to sell share of minor at Rs.1,06,12,500/- to the prospective purchase and out of the sale proceeds pay/adjust a sum of Rs.54,12,500/- towards the proportionate share of the minor towards the outstanding dues and deposit the remaining sum of Rs.52,00,000/-

3. On the side of the petitioner, petitioner examined herself as P.W.1 and Ex.P.1 to P.10 are marked. Ex.P.1 is the computer generated death certificate of the husband of the petitioner, Ajay Jhaver. Ex.P.1 shows that the said Ajay Jhaver died on 25.03.2021. Ex.P.2 is the computer generated legal heir certificate of the husband of the petitioner. Ex.P.2 shows that the petitioner and his daughters Aashna Jhaver, Ishika Jhaver and minor Teesha Jhaver are the legal heirs of the said Ajay Jhaver. Ex.P.5 is the certified copy of the sale certificate dated 31.08.2018 in favour Ajay Jver. Ex.P.10 is the copy of paper publication and non objected for the same. The minor is under the care and custody of the petitioner. The minor has 1/4th share in the property and the remaining shares are owned by the other legal heirs of Ajay Jhaver. The petitioner seeks permission of this Court to sell the share



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of the minor to settle the outstanding dues and to maintain the minor.

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4. The petitioner has further deposed that one A.Gnanasekar has expressed is intention to purchase the schedule B mentioned property for a sale consideration of Rs.1,06,12,500/-. The letter given by the prospective purchase has been marked as Ex.P.11.

5. Considering the averments made in the petition and the evidence of P.W.1 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.

6. Accordingly, this petition is ordered and permission is accorded to the petitioner to sell the schedule B mentioned property, falling to the share of the minor, to the prospective purchaser for a sum of Rs.1,06,12,000/- [Rupees one crore six lakhs twelve thousand only] in which the a sum of Rs.52,00,000/- [Rupees fifty two lakhs only] shall be deposited in the name of the minor in any of the nationalised bank in interest bearing deposit till



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the minor attains majority. The petitioner is entitled to utilise the interest from the bank for maintenance and for education purpose of the minor. The deposit receipt shall be produced before this Court within the period of **one month from the date of execution of the sale deed in favour of the prospective purchaser.**

19.03.2024

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