



O.P.No.111 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.111 of 2024

A.Natarajan

...

Petitioner

PRAYER: Original Petition has been filed under Section 8(2)(A) of the Hindu Minority and Guardianship Act, 1956 and Order XXI Rule 12 of Original Side Rules, seeking permission to be granted to the petitioner to sell / convey and register the "Schedule B Property" belonging to the share of the petitioner's minor son N.S.Vigneshwaran, aged about 2 years in favour of the prospective purchaser Mr.M.Shahul Hameed; the amount received towards the sale consideration would be invested on the bank account of the petitioner's minor son N.S.Vigneshwaran to aid the future prospectus of him.

For petitioner : Mr.R.Ragavendran



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ORDER

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This Original Petition has been filed under Section 8(2)(A) of the Hindu Minority and Guardianship Act, 1956 and Order XXI Rule 12 of Original Side Rules, seeking permission to be granted to the petitioner to sell / convey and register the "Schedule B Property" belonging to the share of the petitioner's minor son N.S.Vigneshwaran, aged about 2 years in favour of the prospective purchaser Mr.M.Shahul Hameed and the amount received towards the sale consideration would be invested on the bank account of the petitioner's minor son N.S.Vigneshwaran to aid the future prospectus of him.

2. The learned counsel for the petitioner submitted that the minor child N.S.Vigneshwaran, Hindu, Male, aged about 2 years is the son of Mr.A.Natarajan, the petitioner herein. The land and building comprised in R.S.No.1095/2, Block No.43, measuring to an extent of 647 1/2 sq.ft situated at New Door No.15, Old Door No.8, Narayana Naicken Street, Komaleeswaranpet, Egmore Village & Taluk, Chennai 600 002, is marked as "Schedule A Property". "Schedule A Property", was owned and possessed by one Mr.T.Arumugam, which was settled upon by Mr.M.Thangavelu in and by a Settlement Deed dated 04.12.1981, registered as Document No.1566 of 1981 before SRO, Periamet. The said Mr.T.Arumugam was in absolute



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possession and enjoyment of the "Schedule A Property" without any inference from any quarters.

3. Mr.T.Arumugam settled the "Schedule A Property" upon his grandchildren 1. M.Sneha, 2. M.Kathir and 3. the children of Mr.A.Natarajan, the petitioner herein, by a Settlement Deed dated 05.09.2014, registered as Document No.2170 of 2014 before SRO, Periamet. The said Mr.T.Arumugam expired on 04.11.2017, which was recorded in the Death Certificate dated 18.11.2017, bearing Registration No.2017/05/061/000643/0). the petitioner married Mrs.M.Subarekha and welcomed their son, N.S. Vigneshwaran, on 03.08.2021, which was recorded in a Birth Certificate dated 19.10.2021 bearing Registration No.B-2021-33-16438-000148. As such, petitioner's minor son N.S.Vigneshwaran along with M.Sneha and M.Kathir are joint owners of the "Schedule A Property", who are in absolute possession and enjoyment of the same.

4. The petitioner's minor son, N.S.Vigneshwaran, along with M.Sneha and M.Kathir, is entitled to a 1/3rd share each of the "Schedule A Property". Consequently, the petitioner's minor son N.S. Vigneshwaran is entitled to 1/3rd share of the "Schedule A Property", which is more fully described as



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"Schedule B Property". The said M.Sneha and M.Kathir have decided to sell their 2/3rd share of the "Schedule A Property" to meet their personal and financial needs. On the sale of 2/3rd share of the "Schedule A Property", the petitioner's minor son N.S.Vigneshwaran cannot deal with the "Schedule B Property" effectively and moreover, after the sale of 2/3rd share in the "Schedule A Property", retaining the "Schedule B Property" will not be of any use to the petitioner's minor son N.S.Vigneshwaran. Hence, in the best interest of the petitioner's minor son N.S.Vigneshwaran, maximise the benefits of the "Schedule B Property" and also to aid the future prospectus of the said N.S.Vigneshwaran, the petitioner accepted the sale of the "Schedule B Property" along with the said M.Sneha and M.Kathir.

5. The learned counsel for the petitioner submits that on consonance between the co-owners of the "Schedule A Property", the prospective buyer was sought for the sale of the "Schedule A Property" and after due deliberations and discussions, it was agreed that the "Schedule A Property" including the "Schedule B Property", will be sold to one Mr.M.Shahul Hameed, Son of Mohamed Yaseen, residing at Door No.25/26, Samy Street, Pudupet, Chennai-600 002. and as such, the Agreement for Sale dated 30.10.2023 was entered into between the said Mr.M.Shahul Hameed and



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1.M.Sneha, 2.M.Kathir and N.S.Vigneshwaran, who was represented by the

petitioner. The total sale consideration for the entire property is

Rs. 70,00,000/- (Rupees Seventy Lakhs Only).

6. The Plaintiff examined himself as P.W.1 and marked Exs.P1 to P9.

The proposed purchaser was examined as P.W.2. He deposed that Rs.3,50,000/- has already been paid to the petitioner as an advance in respect of the minor son's property and Rs.5 lakhs each to Sneha and Kathir, the other co-owners of the property. He further stated that he undertakes to pay the remaining amount of Rs.56,50,000/-.

7. After perusing the affidavit of P.W.1 and P.W.2, as well as the additional affidavit of P.W.1, I find that the sale of the property will be beneficial to the minor son, given that $2/3^{\text{rd}}$ of the property has already been sold by Sneha and Kathir.

8. Accordingly, this original petition is allowed. The sale transaction shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. After completion of the said transaction, the petitioner is directed to deposit a copy of the sale deed executed pursuant to this order



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and to deposit 65% of the sale consideration in any one of the fixed deposit in the Indian Bank, High Court Branch, Chennai and the balance 35% of sale consideration shall be utilised for the welfare and maintenance of the minor N.S.Vigneshwaran.

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Neutral Citation: Yes/No

Speaking order : Yes/No

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APPENDIX

Petitioner's witness:

P.W.1 - Mr.A.Natarajan

P.W.2 - Mr.M.Sahul Hameed

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Photocopy of the settlement deed dated 04.12.1981 executed in favour of Mr.T.Arumugam (Compared with the original).	P1
2	Certified copy of the settlement deed dated 05.09.2014 executed in favour of M.Sneha and two others (Compared with the original).	P2
3	Computer generated death certificate of	P3



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<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
	Mr.T.Arumugam.	
4	Computer generated birth certificate of minor N.S.Vigneshwaran	P4
5	(Series 2 Nos) are the photocopies of the EB cards (Compared with the originals).	P5
6	Photocopy of the property tax demand card stands in the name of Mr.A.Natarajan (Compared with the original).	P6
7	Certificate under Section 65B of the Indian Evidence Act, 1872.	P7
8	Original Sale Agreement dated 23.08.2023	P8
9	Original valuation report dated 02.12.2023 in respect of the schedule mentioned property issued by Guru Consultants, Perambur, Chennai - 11.	P9

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To:

The Manager,

Indian Bank,

High Court, Madras.



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RMT. TEEKAA RAMAN, J.

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