



O.P.No.15 of 2024

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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 any willing prospective purchaser for valuable consideration.

2. The case of the petitioner is that the petitioner is that the schedule property has been purchased by the grandmother of the husband of the petitioner and her husband has 1/55th share in the schedule property. The husband of the petitioner and father of the minor died on 21.06.2011 leaving behind the petitioner, her daughter B.Sangeetha and the minor B.Guna @ Gunasekaran. The property is to an extend of 11507 sq.ft. After the death of the husband of the petitioner, the petitioner along with her children are entitled to 1/165th undivided share in the property. It is the further case of the petitioner that all the other share holders have entered into an agreement for sale of the property and unless the share of the minor is also sold, the



O.P.No.15 of 2024

share of the minor cannot be enjoyed individually and in the interest and for the benefit of the minor, the 1/165th undivided share of the minor shall be sold to the intending purchaser for valuable consideration and the share of the minor will be deposited into a nationalized bank under fixed deposit, till the minor attains majority. Hence, the petitioner seeks permission of this Court to sell the share of the minor.

3. The petitioner examined herself as P.W.1 and marked documents Ex.P.1 to P.9.

4. P.W.1 in her evidence has reiterated the averments in the petition and seeks permission of this Court to sell the undivided 1/165th share of the minor in the schedule property. Ex.P.1 is the certified copy of the sale deed dated 10.09.1911 for purchase of the schedule mentioned property. Ex.P.2 is the computer generated birth certificate of minor Guna Sekaran. Ex.P.2 shows that the minor Gunasekaran was born on 13.06.2010. Ex.P.3 is the computer generated death certificate of the husband of the petitioner. Ex.P.3 shows that the husband of the petitioner, Boopathi died on



O.P.No.15 of 2024

21.06.2011. Ex.P.4 is the computer generated legal heir certificate of S.Boopathi. Ex.P.4 shows that the petitioner, Sangeetha, minor Guna are the legal heirs of the deceased Boopathi. Ex.P.7 is the Gazette publication dated 09.03.2022 for name change of the minor B.Guna Sekaran as B.Guna. Ex.P.8 is the copy of the unregistered agreement for sale dated 18.11.2023. Ex.P.9 is the declaration and willingness given by the petitioner to sell the undivided share of the minor.

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 1/165th undivided share of the minor. Unless the share of the minor is also sold, there is no scope for development of the property and sale of the property is only for the benefit, best interest of the minor.

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.



O.P.No.15 of 2024

5. Accordingly, this petition is ordered, the petitioner is permitted to sell the 1/165th undivided share of the property on behalf of the minor on condition that the petitioner shall deposit the share of the minor 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.

23.02.2024

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