



C.M.A(MD)No.614 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.614 of 2023

and

C.M.P.(MD)No.7817 of 2023

Shivakumar

... Appellant

Vs.

1.P.Meenakshi Sundaram

2.Sundaravalli

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 47 of Guardians and Wards Act, against the the dismissal order passed in G.W.O.P.No.187 of 2021 dated 26.07.2022 on the file of 1st Additional District and Sessions Court, Madurai.

For Appellant	: Mr.J.Alaguram Jothi
For R1	: Mr.S.Harigopalakrishnan
For R2	: Mr.R.Mouria Sekara Prabhu

JUDGMENT

The G.W.O.P., was filed with a prayer to sell the property belonging to the minor.



C.M.A(MD)No.614 of 2023

WEB COPY

2. The contention of the appellant herein / petitioner therein is that the parents of the minor child died and he is taking care of the minor child who is aged about 17 as on date. The minor boy is aspiring to qualify himself with a Bachelor Degree in Visual Communication and to fulfill his aspirations to qualify in the said field needs financial assistance. The petitioner is not in the position to grant such financial assistance but there are properties listed in the petition as 14 items. If the said properties are sold, the appellant herein would be in a position to give financial assistance to the minor son to qualify himself. But the Lower Court has dismissed the petition stating that there is no proper reason adduced by the appellant.

3. On perusing the petition it is seen that the petitioner therein has stated valid reasons that the financial assistance is needed for the educational qualification of the minor. In order to ascertain the same, this Court directed the parties to appear before this Court along with the minor and this Court interacted with the minor child. The minor child submitted before this Court that he is aspiring to qualify himself with Bachelor Degree in Visual Communication and he needs financial assistance.



C.M.A(MD)No.614 of 2023

WEB COPY

4. Therefore, this Court is inclined to allow this appeal. Hence, the impugned order is set aside. The appellant herein is permitted to sell the properties and utilize the same for the educational purposes of the minor child alone. If there is any deviation by the appellant, then the minor is entitled to recover it from the appellant.

5. With the above said direction, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Tmg

To

1.Motor Accident Claims Tribunal /
1st Additional District and Sessions Court, Madurai.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.614 of 2023

S.SRIMATHY, J.

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