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O.P.No.76 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.76 of 2025

A.Vinayaga Perumal

...Petitioner

PRAYER: Original Petition filed under Section 8 (2) of Hindu Minority and Guardianship Act 1956 read with Order XXI Rule 2 & 3 of O.S.Rules, praying that this Hon'ble Court may be please to

a) Permit the petitioner to sell 1/6th Share of V.Anishvar and 1/6th share of V.Hanusha in the schedule property is about Rs.7,00,000/- per share out of total value of Rs.42,00,000/-,

b) permit the petitioner to deposit the sale proceeds in the name of minor in any Nationalised Bank.

c) and pass any such further or other orders as this Honorable court deems fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Antony Jesurajan

ORDER

By this petition, the father and natural guardian of the minors, Master.V.Anishvar and Ms.V.Hanusha, seeks permission to deal with the minors shares of 50% of the property belonging to Late.Mrs.V.Sudha, who



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was married to the petitioner and begotten two children, Master.V.Anishvar and Ms.V.Hanusha. The said Late.Mrs.V.Sudha died intestate on 14.02.2024 leaving behind her husband, the petitioner and her two minor children Master.V.Anishvar and Ms.V.Hanusha as her only surviving legal heirs. The petitioner is entitled to $\frac{4}{6}^{\text{th}}$ undivided share and the minors each are entitled to $\frac{1}{6}^{\text{th}}$ undivided share in the property.

2. The petitioner asserts that the above-mentioned property was purchased jointly by him and his wife Late.Mrs.V.Sudha vide Doc.No.7564 of 2021 dated 09.04.2021 and built the present property mentioned in the schedule. As the said Late.Mrs.V.Sudha died intestate on 14.02.2024, the said legal heirs of her, the petitioner is entitled to $\frac{4}{6}^{\text{th}}$ undivided share and the minors each are entitled to $\frac{1}{6}^{\text{th}}$ undivided share in the said property. The petitioner pleads that it is necessary to permit the sale of the share of the Minors, Master.V.Anishvar and Minor.V.Hanusha for their benefit.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as PW1. In the course of the examination in chief of PW1, 10 documents listed at the foot of this order



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were exhibited as Ex.P1 to P10. The birth certificates of Minor.V.Anishvar and Minor.V.Hanusha has been marked as Ex.P2 and Ex.P4, which discloses that Minor.V.Anishvar was born on 04.02.2009 and Minor.V.Hanusha was born on 07.04.2014. The computer generated death certificate of the mother of the minors are marked as Ex.P7. The legal heir certificate of Late.Mrs.V.Sudha is marked as Ex.P8. As evidence of the title in favour of Late.Mrs.V.Sudha and petitioner, the registered Sale Deed dated 09.04.2021 has been marked as Ex.P6. From Ex.P6 it is clear that the Late.Mrs.V.Sudha holds the ownership for 50% share of the schedule property. On perusal of Ex.P8 it is clear that the petitioner and both the minor children Master.V.Anishvar and Minor.V.Hamsha are the only surviving legal heirs of the deceased Late.Mrs.V.Sudha. From Ex.P2 and Ex.P4 it is clear that the petitioner is the father of the minors.

4. Based on the evidence adduced by the petitioner, the petitioner is entitled to the relief claimed on the following terms:

(i) The petitioner is permitted to sell the minors Master.V.Anishvar's and Ms.V.Hamsha's share of property is more fully described in the schedule.



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(ii) The sale proceeds to the shares of the minors Master.V.Anishvar and Minor.V.Hamsha shall be deposited in a fixed deposit of any Nationalised Bank which shall be renewed periodically till the minors attain the age of majority.

(iii) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the fixed deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

25.04.2025

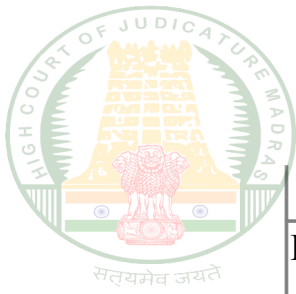
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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.A.Vinayaga Perumal

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the petitioner's Aadhar Card (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Computer generated copy of the birth certificate of V.Anishvar born on 04.02.2009.
Ex.P3	Photocopy of the Aadhar card of V.Anishvar. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Computer generated copy of the birth certificate of



WEB COPY

O.P.No.76 of



	V.Hanusha born on 07.04.2014.
Ex.P5	Photocopy of the Aadhar card of V.Hanusha (Original is produced, compared and returned to the petitioner's counsel)
Ex.P6	Certified copy of the sale deed dated 09.04.2024.
Ex.P7	Computer generated copy of the death certificate V.Sudha died on 14.02.2024.
Ex.P8	Computer generated copy of the legal heir certificate of V.Sudha dated 09.05.2024.
Ex.P9	Certified copy of the deed of receipt dated 19.12.2024.
Ex.P10	Computer generated copy of the encumbrance certificate dated 04.01.2025.
	Certificate under Section 65 B of Indian Evidence Act is filed for Exs.P2, P4, P7, P8 and P10.

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