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O.P.No.40 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

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

O.P.No.40 of 2025

Kohila.M

...Petitioner

PRAYER: Original Petition filed under Section 8(2)(a) of the Hindu Minority and Guardianship Act, 1956 read with Order XXI Rule 2 & 3 of Original Side Rules, praying that this Hon'ble Court may be pleased to grant permission to the petitioner to sell the share of the minor child in the property situated at Old No:22 C, New No:4, Old post office 2nd Street, New colony, Korattur, Chennai – 600 076 belonged to the petitioner's predeceased father-in-law (late) S.Sudalai, the sale proceeds shall be deposited in the name of minor child R.Krithvik maran.

For Petitioner : Mr.R.Sekaran

ORDER

By this petition, the mother and natural guardian of the minor.R.Krithvik Maran, seeks permission to deal with the minor's share of the property from the undivided share belonging to one Late.Mr.S.Ramprasad, who was married to the petitioner and had begotten the above said Minor.R.Krithvik Maran as son. The said Late.Mr.S.Ramprasad died intestate on 31.03.2024 leaving behind his wife,



the petitioner, his minor son and his mother as his surviving legal heirs. The said legal heirs are entitled to $1/3^{\text{rd}}$ share from his undivided share in the property.

2. The petitioner asserts that the above-mentioned property was built by late.Mr.S.Sudalai in the vacant land which he purchased from Mrs.J.Gousalya and others under the sale deed dated 07.04.1986. During his lifetime, he was in peaceful possession and enjoyment of the said property. As the said Late.Mr.S.Sudalai died intestate on 21.11.2009, leaving behind his wife Mrs.Shanthi and his son Late.Mr.S.Ramprasad, each entitled to $1/2^{\text{th}}$ undivided share in the said property. The said Late.Mr.S.Ramprasad died intestate 31.03.2024, leaving behind the petitioner, the above said minor.R.Krithvik Maran and his mother as his legal heirs, each entitled to $1/3^{\text{rd}}$ of undivided share from his share in the property. Therefore the above said minor.R.Krithvik Maran is entitled to his share of 16.66% of the property. Further, the petitioner states that her mother-in-law Mrs.Shanthi would be settling share in the property. It is necessary to permit the sale of the share of the Minor, R.Krithvik Maran's for his benefit.

3. In order to establish entitlement to the relief claimed, the petitioner



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adduced evidence by examining herself as PW1. In the course of the examination in chief of PW1, 13 documents listed at the foot of this order were exhibited as Ex.P1 to P13. The birth certificate of Minor.R.Krithvik Maran has been marked as ExP7, discloses that he was born on 19.03.2024. The death certificates of Late.Mr.S.Sudalai and Late Mr.S.Ramprasad the father of the minor have been marked as Ex.P2 and Ex.P7. The legal heir certificates of Late. Mr.S.Sudalai and Late Mr.S.Ramprasad as Ex.P3 and Ex.P8. As evidence of the title of late Mr.S.Sudalai, the registered Sale Deed dated 07.04.1986 as Ex.P1. The Aadhaar card of the petitioner and the minor has been marked as Ex.P9 and Ex.P10. On perusal of Ex.P3 and Ex.P1 clearly proves that the Late.Mr.S.Ramprasad held a 1/2th of undivided share in the said property owned by his father Late.Mr.S.Sudalai. The conjoint perusal of Ex.P8 and Ex.P7 makes it clear that the Minor.R.Krithvik Maran is the Son of Late.S.Ramprasad and is entitled to 16.66% of share in the said property. The Ex.P7 and Ex.P9 proves that the petitioner is the mother of the Minor.R.Krithvik Maran. The paper publications were made and are marked as Ex.P12 and Ex.P13, no objections were received for the same.

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 minor.R.Krithvik Maran's share of



property is more fully described in the schedule.

(ii) The sale proceeds to the share of minor.R.Krithvik Maran shall be deposited in any Nationalised Bank which shall be renewed periodically till he attains 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.

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Index:Yes/No

Petitioner's witness:

P.W.1 - Mrs.Kohila

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Ex.P1 is the photocopy of the sale deed of S.Sudalai dated 07.04.1986. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P2	Ex.P2 is the printout of the death certificate of S.Sudalai died on 21.11.2009.
Ex.P3	Ex.P3 is the photocopy of the legal heir certificate of S.Sudalai dated 08.02.2010. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P4	Ex.P4 is the photocopy of the family card of late S.Sudalai. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P5	Ex.P5 is the photocopy of the marriage certificate of



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	petitioner. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P6	Ex.P6 is the printout of the birth certificate of petitioner's minor son R. Krithvik Maran born on 19.03.2024.
Ex.P7	Ex.P7 is the printout of the death certificate of petitioner's husband Late S. Ramprasad died on 31.03.2024.
Ex.P8	Ex.P8 is the printout of the legal heir certificate of Late S.Ramprasad dated 09.05.2024.
Ex.P9	Ex.P9 is the photocopy of the Aadhar card of the petitioner. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P10	Ex.P10 is the photocopy of the Aadhar card of the petitioner's minor son R. Krithvik Maran. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P11	Ex.P11 is the printout of the guideline value of the property.
Ex.P12	Ex.P12 is the one issue of paper publication in Tamil News paper "Makkal Kural" dated 07.02.2025
Ex.P13	Ex.P13 is the one issue of paper publication in English news paper "Trinity Mirror" dated 14.02.2025

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K.KUMARESH BABU, J.

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