



O.P.No.134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.08.2025**

CORAM

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

O.P.No.134 of 2025

Mrs.K.Packia Rajathi

...Petitioner

vs.

Nil

...Respondent

PRAYER: Original Petition filed under Sections 3, 7 to 10 & 29 of Guardian and Wards Act 1890 read with Order XXI Rule 2 & 3 of Original Side Rules, praying,

a) That the petitioner may be declared as the guardian of the person and property of the Minors 1) K.Kethzhi Aardhana aged 15 years 2) K.Kelyn Jefrina aged 11 years.

b) That the petitioner be granted permission to sell the petition scheduled property by depositing amount of sale consideration in a Nationalized bank on behalf of Minors after settling the loan amount.

c) For such other relief as to this Hon'ble Court may deem to fit.

For Petitioner : Mr.D.Muthukumarappa

ORDER

By this petition, the mother and natural guardian of the minors, Minor.Ms.K.Kethizhi Aardhana @ K.Kethizhi Aaradhana and Minor.Ms.K.Kelyn Jefrina, seeks permission to deal with both the



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minors shares of the property belonging to one Mr.P.Kennedy, who is the father of the minors and the husband of the petitioner herein.

2. The petitioner submits that she was married to one Mr.P.Kennedy and had begotten the aforesaid minors as her children out of the said wedlock. The petitioner asserts that her mother-in-law one Late.Mrs.Rajagani was the absolute owner of the immovable property mentioned in the schedule of the petition by the virtue of the Sale Deed dated 11.11.1988 registered as Document No.4256 of 1988 in the SRO of Sembium. Subsequently Late.Mrs.Rajagani settled the aforesaid immovable property infavour of Mr.P.Kennedy who is her youngest son, vide a Settlement Deed dated 10.03.2010 registered as Document No.1909 of 2010 in the SRO of Sembium.

3. The petitioner submits that her husband and the father of the minors Mr.P.Kennedy died on 04.09.2024, leaving behind his wife who is the petitioner herein and his minor children Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina as his only legal heirs as the mother and father of Late.P.Kennedy had already predeceased him. The petitioner therefore contends that as the aforesaid legal heirs of Late.Mr.P.Kennedy, she along with her minor children, namely



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Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina are each

entitled to 1/3rd share in the immovable property mentioned in the petition. The petitioner further submits that the approximate value of immovable property is Rs.63,50,400/-. As stated *supra* the minors, namely Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina are entitled to 1/3rd share each from the said immovable property which approximately amounts to Rs.21,16,800/- each as mentioned in the schedule of the petition. The petitioner also submits that Late.Mr.P.Kennedy, her husband and the father of the minor had obtained a loan of Rs.10,00,000/-, which at present the petitioner is struggling to settle as a homemaker. Therefore the petitioner prays to appointed as the guardian of the person and property of the minors, namely Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina and seeks permission to sell the minors share from the schedule mentioned property.

4. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as PW1. In the course of the examination in chief of PW1, 12 documents listed at the foot of this order were exhibited as Ex.P1 to P12. The original birth certificates of the minors Minor.Ms.K.Kethizhi Aaradhana and Minor.Ms.K.Kelyn



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Jefrina have been marked as Ex.P1 and Ex.P2 respectively. The computer generated death certificate and the legal heirship certificate of Mr.P.Kennedy has been marked as Ex.P6 and Ex.P7 respectively. The computer generated death certificate of Late.Mrs.P.Rajagani has been marked as Ex.P5. The computer generated copies of the death certificate and the legal heirship certificate of Late.Mr.P.Kennedy have been marked as Ex.P6 and Ex.P7. The certified copy of the Sale Deed dated 11.11.1988 executed in favour of Late.Mrs.Rajagani has been marked as Ex.P12. The certified copy of the Settlement Deed dated 10.03.2010 executed in favour of Mr.Kennedy has been marked as. Ex.P11. Upon the perusal of Ex.P1 and Ex.P2 proves that the Minor.Ms.K.Kethizhi Aardhana was born on 18.08.2009 and Minor.Ms.K.Kelyn Jefrina was born on 09.11.2011. The perusal of Ex.P7 clearly proves that the minors Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina are the legal heirs of Late.Mr.P.Kennedy, substantiating the claims made in the petition that as the legal heirs of Late.Mr.P.Kennedy the minors are entitled to 1/3rd share in the subject property. The Affidavit of Service for the general paper publication has been filed and the same has been recorded vide order dated 15.04.2025.

5. Based on the evidence adduced by the petitioner, the petitioner



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is entitled to the relief claimed on the following terms:

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(i) The petitioner is appointed as the guardian of the person and property of the minors, Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina.

(ii) The petitioner is permitted to sell the property mentioned in the schedule of the petition.

(iii) The petitioner is permitted to settle the loan amount from the Sale consideration and deposit the remaining Sale consideration in a fixed deposit of any Nationalised Bank in the name of the minors, Minor.Ms.K.Kethizhi Aardhana and Minor.Ms.K.Kelyn Jefrina, which shall be renewed periodically till they both attain the age of majority.

(iv) 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



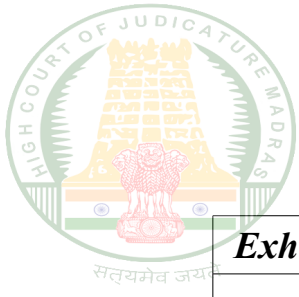
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Petitioner's witness:

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original birth certificate of Ms.K.Kethi Aaradhana.
Ex.P2	Original Birth certificate of K.Kelyn Jefrina.
Ex.P3	Photocopy of School ID Card of Ms.K.Kethzi Aaradhana issued by Doveton Matriculation Higher Secondary School, Chennai (Compared with the original)
Ex.P4	Photocopy of School ID Card of Ms.Kelyn Jefrina issued by Doveton Matriculation Higher Secondary School, Chennai (Compared with the original)
Ex.P5	Computer generated legal heirship certificate of Mr.P.Rajagani.
Ex.P6	Computer generated death certificate of Mr.Kennedy.
Ex.P7	Computer generated legal heirship certificate of Mr.Kennedy.
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	Certified copy of settlement deed dated 14.07.2006 executed in favour of Mr.P.Rajagani. (Witness states that the original of the said document is mortgaged with the bank. This document is marked subject to its proof, relevancy and admissibility)
Ex.P10	Certified copy of cancellation of settlement dated 29.01.2010. (Witness states that the original of the said document is mortgaged with the bank. This document is marked subject to its proof, relevancy and admissibility)
Ex.P11	Certified copy of settlement deed dated 10.03.2010 executed in favour of Mr.Kennedy. (Witness states that the original of the said document is mortgaged with the bank. This document is marked subject to its proof, relevancy and admissibility)
Ex.P12	Certified copy of sale deed dated 11.11.1988 executed in favour of Mr.P.Rajagani. (Witness states that the original of



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<i>Exhibits</i>	<i>Documents</i>
	the said document is mortgaged with the bank. This document is marked subject to its proof, relevancy and admissiablity)

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