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O.P.No.197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM

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

O.P.No.197 of 2025

Umamaheswari

... Petitioner

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

(a) Grant an order to sell the share of the minors viz., J.Deepthi and J.Shriswamy of the schedule mentioned property and deposit the sale proceeds in the name of minor children until they attain majority and pass any other orders that it deems fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.M.H.Peer Mohammed



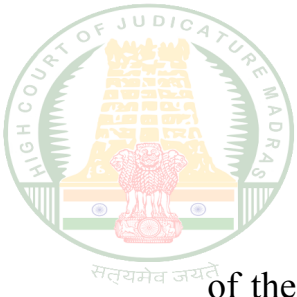
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ORDER

By this petition, the mother and natural guardian of the minors, Ms.J.Deepthi and Master.J.Shriswamy, seeks permission to deal with both the minor's share of the property belonging to one Late Mr.A.Swaminathan, who is the paternal grandfather of the minors.

2. The petitioner states that she got married to one Mr.Jayakanthshankarram and had begotten the above said minors Master.J.Shriswamy and Minor.Ms.J.Deepthi as her children. The petitioner submits that her minor daughter Ms.J.Deepthi was initially named as 'J.Deviraja Dharanee', which was later changed to 'J.Deepthi' and was published in the TN Gazette on 23.08.2023. She further submits that her father-in-law Late Mr.A.Swaminathan had purchased the immovable property mentioned in the schedule of the petition *vide* Sale Deed dated 01.04.1991 registered as Document No.1718 of 1991. The petitioner submits that Mr.A.Swaminathan had got married to one Mrs.Sivagamasundari and had begotten Mr.Jayakanthsankarram, the father



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of the Minors herein and Mrs.Eshwari as his children. Later the above said Mr.A.Swaminathan died intestate on 02.12.2009 and his wife Mrs.Sivagamasundari died on 14.01.2021 thereby leaving behind their children as their only legal heirs.

3. The petitioner submits that her husband Mr.Jayakanthshankarram who was one of the legal heirs to Mr.A.Swaminathan was entitled to 1/2th share in the said immovable property had also died intestate leaving behind the petitioner and the above said two minor children as his only legal heirs.

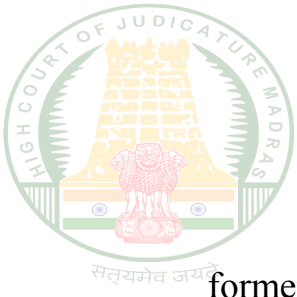
It is pertinent to note that the minors are entitled to 1/3rd share each from the 1/2th share held by Mr.Jayakanthsankarram in the immovable property mentioned in the schedule of the petition. The petitioner submits that the share of the minors, Ms.J.Deepthi and Master.J.Shriswamy amounts to Rs.7,50,000/- each, as mentioned in the schedule of the petition. Therefore, the petitioner prays to grant a permission to sell the shares held by the minors Ms.J.Deepthi and Master.J.Shriswamy in the schedule mentioned property in the petition, for the minors benefit and welfare.



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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, 11 documents listed at the foot of this order were exhibited as Ex.P1 to P11. The photocopy of the birth certificates of the Minors Ms.J.Deepthi and Master.J.Shriswamy are marked as Ex.P9 and Ex.P10, which discloses that the minor Ms.J.Deepthi was born on 04.04.2009 and the minor Master.J.Shriswamy was born on 25.01.2013. The series of photocopies of the Aadhar cards of the petitioner and minor children and with name change gazette notification of the minor Ms.J.Deepthi has been marked as Ex.P8. The photocopy of the death certificates of Mr.A.Swaminathan and his wife Mrs.Sivagamasundari was marked as Ex.P2 and Ex.P4 respectively. The death certificate of Mr.Jayakanthasankarram was marked as Ex.P5. The legal heirship certificates of Mr.A.Swaminathan and Mr.Jayakanthasankarram was marked as Ex.P3 and Ex.P6. Upon perusing the name change gazette notification of the minor Ms.J.Deepthi from Ex.P8, it can be seen that the minor was



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formerly named as 'J.Deviraja Dharanee' which has been successfully changed to 'J.Deepthi'. The perusal of Ex.P3 and Ex.P6 clearly corroborates the claims made in the petition that the father of the minors Mr.Jayakanthasankarram is entitled 1/2th share in the immovable property and as his legal heirs both the minors Ms.J.Deepthi and Master.J.Shriswamy each are entitled to their 1/6th share in the property mentioned in the schedule of the petition. The general paper publication has been effected and no objections have been received for the same.

5. 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 Ms.J.Deepthi and Master.J.Shriswamy share of property is more fully described in the schedule.
- (ii) The sale proceeds to the share of Ms.J.Deepthi and Master.J.Shriswamy shall be deposited in the fixed deposits of any Nationalized Bank which shall be renewed periodically till the minors attain the age of majority.



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(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.

6. Accordingly, this Original Petition is ordered. No costs.

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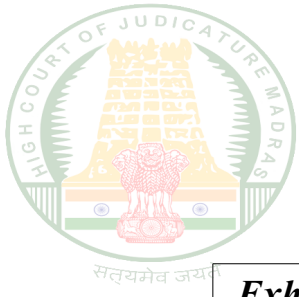
Index : Yes / No
Speaking order / Non-speaking order
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Petitioner's witness:

P.W.1 - Mrs.Umamaheshwari

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Sale Deed in Document No.1718 of 1991 dated 01.04.1991.
Ex.P2	Photocopy of the Death Certificate of A.Swaminathan dated 20.07.2021.
Ex.P3	Photocopy of the Legal Heir Certificate of A.Swaminathan dated 13.04.2010.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P4	Photocopy of the Death Certificate of Sivagamasundari dated 19.07.2021.
Ex.P5	Photocopy of the Death Certificate of Jayakantha Shankar Ram dated 17.10.2023.
Ex.P6	Photocopy of the Legal heir Certificate of Jayakantha Shankar Ram dated 03.11.2023.
Ex.P7	Photocopy of the EC of the property for the period of 01.06.1982 to 26.12.1993.
Ex.P8	Photocopies of the Aadhaar Cards of the petitioner and minor children with name change gazette notification.
Ex.P9	Photocopy of the Birth Certificate of J.Deepthi. (Compared with original).
Ex.P10	Photocopy of the Birth Certificate of J.Shriswamy
Ex.P11	Photocopy of the Guideline Value of the property.

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K.KUMARESH BABU, J.

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