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O.P.No.235 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.07.2025**

CORAM

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

O.P.No.235 of 2025

Mrs.J.Sugumari

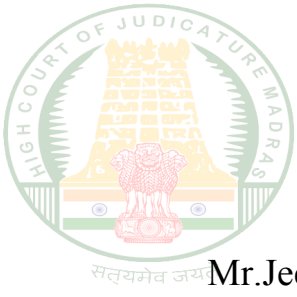
...Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act 1956, r/w Order XXI Rule 2 & 3 of OS Rules to grant permission to sell the share of the property of the minor, J.Sri Santhan, son of Late M.Jeevarathinam which is fully mentioned in the schedule of the petition and permit the said petitioner to deposit the entire sale proceeds of the minor's share into a Bank Fixed Deposit in the name of minor, J.Sri Santhan.

For Petitioner : Mr.A.Srinivasa Subbiah

ORDER

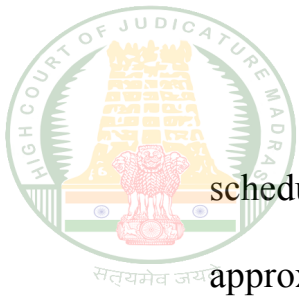
By this petition, the mother and natural guardian of the minor, Master.Sri Santhan, seeks permission to deal with the minor's share from the property belonging to one Mr.S.Mani, who is paternal grandfather of the minor.



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2. The petitioner submits that she had gotten married to one Mr.Jeevarathinam and had begotten the said Minor Master.Sri Santhan as her son. She states that her father-in-law Mr.S.Mani was married to one Mrs.M.Prema and the couple had begotten the petitioner's husband Mr.Jeevarathinam as their son and one Mrs.G.Latha as their daughter. The petitioner asserts that the paternal grandfather of the minor and her father-in-law, Mr.S.Mani was the absolute owner of the immovable property mentioned in the Schedule of the petition *vide* a Settlement Deed executed in favour of him on 21.03.1996 and registered as Document No.1519/1996. Later the above said Mr.S.Mani died on 07.05.2021 and immediately his wife Mrs.M.Prema also died on 26.05.2021 and their only son Mr.Jeevarathinam had predeceased them on 30.04.2021.

3. The petitioner contends that her husband Mr.Jeevarathinam as the son of Mr.S.Mani was entitled to a 50% share in the property mentioned in the schedule of the petition. The petitioner further contends that the above said Mr.Jeevarathinam died intestate leaving behind both herself and the minor Master.Sri Santhan as his only legal heirs. Therefore as the legal heirs of Mr.Jeevarathinam both the petitioner and the minor Master.Sri Santhan are entitled to 25% share each from immovable property mentioned in the



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schedule. The petitioner submits that the minor's share in the property alone approximately amounts to Rs.21,75,000/- as described in the schedule of the petition. Therefore the petitioner pleads that it is necessary to grant the permission to sell the minor Master.Sri Santhan's share of the immovable property for his benefit.

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, 19 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P19. The printout of the birth certificate of the minor, Master. Sri Santhan has been marked as Ex.P9, which discloses that the minor was born on 03.03.2014. The certified copy of the Settlement Deed dated 21.03.1996 executed in favour of Mr.S.Mani and registered as Document No.1519/1996 has been marked as Ex.P3. The printouts of the death certificates of Mr.Jeevarathinam, Mr.S.Mani and Mrs.S.Prema are marked as Ex.P4, Ex.P5 and Ex.P6 respectively. The printouts of the legal heirship certificates of Mr.Jeevarathinam and Mr.S.Mani has been marked as Ex.P7 and Ex.P8. The certified copy of the declaration/affidavit of G.Latha for patta transfer dated 23.10.2024 has been marked as Ex.P13. The two Original Sale Agreements both dated 27.02.2025 are marked as Ex.P10, upon



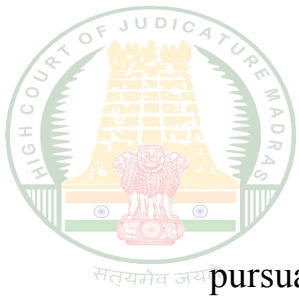
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perusal of the same it can be seen that it has been entered by the petitioner along with her son, represented by herself and one Mrs.G.Latha who is the co-owner of the another 50% of the property and the other legal heir of Mr.S.Mani with the proposed Purchasers Mr.M.Syed Ali and Mrs.Hajira Banu in 1st sale agreement and with Mr.PSridhar in the 2nd Sale Agreement to sell the property mentioned in the Schedule of the petition. The combined perusal of Ex.P7 and Ex.P8 substantiates the claims made in the petition that the minor as the one of the legal heir of Mr.Jeevarathinam who is the predeceased son of Mr.S.Mani is entitled to his 25% share in the immovable property as mentioned in the schedule of the petition. The paper publications had been effected and the same are marked as Ex.P17 and Ex.P18, no objections were 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 Minor.Sri Santhan's share of property is more fully described in the schedule.

(ii) The sale proceeds to the share of Minor.Sri Santhan shall be deposited in a fixed deposit in the minor's name in any of the Nationalized Banks 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.J.Sugumari

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Printout of the extract from the Permanent Land Register Certificate No.2024/0153/02/0445868TR for the survey No.215/1 dated 11.11.2024.
Ex.P2	Printout of the extract from the Permanent Land Register Certificate No.2024/0153/02/0445868TR for the survey No.215/2 dated 11.11.2024.
Ex.P3	Certified copy of the Settlement Deed in favour of S.Mani registered as Doc.No.1519/1999 dated 21.03.1996.
Ex.P4	Printout of the death certificate of M.Jeevarathinam who died on 30.04.2021.
Ex.P5	Printout of the death certificate of S.Mani who died on 07.05.2021.
Ex.P6	Printout of the death certificate of M.Prema who died on 26.05.2021.
Ex.P7	Printout of the legal heir of M.Jeevarathinam certificate No.TN-7202106302024 issued on 12.07.2021.
Ex.P8	Printout of the legal heir of S.Mani certificate No.TN-7202107262088 issued on 08.08.2021.
Ex.P9	Printout of the birth certificate of the minor, Sri Santhan



	issued on 17.10.2024.
Ex.P10	(Series) (2 Nos) are the original sale agreement dated 27.02.2025.
Ex.P11	Photocopy of the Aadhar card of the petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P12	Photocopy of the Aadhar card of the minor, Sri santhan.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P13	Certified copy of the declaration/affidavit of G.Latha for patta transfer dated 23.10.2024.
Ex.P14	Printout of the encumbrance certificates for the period from 01.11.1996 to 11.08.2021.
Ex.P15	Printout of the property tax receipt with property details dated 18.01.2025.
Ex.P16	Photocopy of the bank pass book of the minor, J.Sri Santhan.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P17	One issue of paper publication in Tamil Daily “Makkal Kural”dated 30.04.2025.
Ex.P18	One issue of paper publication in English Daily “Trinity Mirror”dated 30.04.2025.
Ex.P19	Certificate under Section 63(4) (C) filed for Exs.P1, P2, P4 to P9, P14 and P15.

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