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O.P.No.208 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.208 of 2025

D.Nandakumar

... 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 and Clause XVII of Letters Patent Act, praying that this Hon'ble Court may be pleased to

(a) Permit the petitioner to sell the minor's share in the Scheduled mentioned property by executing necessary sale deed on behalf of the minor.

(b) Permit the petitioner to deposit the sale proceeds and to withdraw the interest to utilize the funds for the welfare of the Minor N.Harshini.

(c) Pass such further or other orders as this Hon'ble court may deem fit and proper at the circumstances of the case.

For Petitioner : M/s.Manjula Chavan



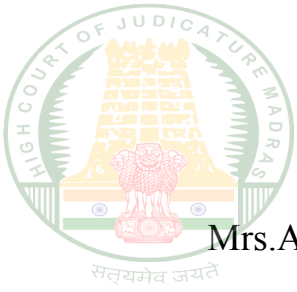
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ORDER

WEB COPY By this petition, the father of the minor, N.Harshini, seeks permission to deal with the minor's share of the property which is co-owned by the Late Mrs.A.R.Sujatha, who is the mother of the minor and Mr.A.R.Radhakrishnan, the maternal grandfather of the minor.

2. The petitioner states that he was married to one Mrs.A.R.Sujatha and had begotten the Minor Ms.N.Harshini as his only daughter. He submits that his wife Late Mrs.A.R.Sujatha along with her father Mr.A.R.Radhakrishnan had bought an immovable property mentioned in the schedule of the petition. Later, the wife of the petitioner and the mother of the minor, Late Mrs.A.R.Sujatha died intestate on 13.03.2022, leaving behind the petitioner and the Minor Ms.N.Harshini as her only legal heirs.

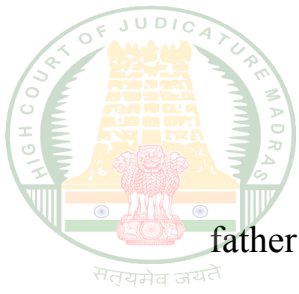
3. The petitioner asserts that Late.Mrs.A.R.Sujatha owned 50% share in the immovable property. The petitioner further submits that as the only legal heirs of the deceased Late.Mrs.A.R.Sujatha both himself and the minor are entitled to the 1/2th share each in the 50% share held by



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Mrs.A.R.Sujatha. He contends that he along with his father-in-law, who is the other co-owner of the immovable property entered into a Sale Agreement dated 19.01.2025 with Mr.J.Balachander and Mrs.Prathipa for the immovable property mentioned in the petition's schedule for a Sale consideration of Rs.80,00,000/- approximately, from which the Minor Ms.N.Harshini's share amounts to Rs.20,00,000/-. The petitioner further contends that the Minor N.Harshini holds a bank account (in the Axis Bank, Shanthi Colony Branch) and her share of Rs.20,00,000/- was already remitted to her bank account. Therefore, the petitioner prays that it is necessary to permit the sale of the share of the Minor, Ms.N.Harshini for her welfare and benefit.

4. 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, 11 documents listed at the foot of this order were exhibited as Ex.P1 to P11. The photocopy of the birth certificate of Minor Ms.N.Harshini has been marked as Ex.P1 which discloses that the minor was born on 15.08.2012 and it also proves that the petitioner is the



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father of the minor. The certified copy of the Sale Deed dated 28.04.2017

registered as Document No.2030 of 2017 has been marked as Ex.P3. The

photocopy of the death certificate of A.R.Sujatha has been marked as Ex.P4.

The photocopy of the Legal Heirship certificate of Mrs.A.R.Sujatha has

been marked as Ex.P6. The photocopy of the Axis Bank Pass Book of

N.Harshini has been marked as Ex.P7. The photocopy of the Sale

Agreement dated 19.01.2025 has been marked as Ex.P8. A perusal of Ex.P6

substantiates the claims made in the petition that the petitioner and the

minor Ms.N.Harshini are the only legal heirs of Late Mrs.A.R.Sujatha and

the minor is entitled to her share in the immovable property as mentioned in

the schedule of the petition. The general paper publication has been effected

which are marked as Ex.P10 and Ex.P11, no objections had 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 minor, Ms.N.Harshini's share of property is more fully described in the schedule.



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- (ii) The sale proceeds to the share of Minor Ms.N.Harshini shall be deposited in fixed deposits in any of the Nationalized Bank which shall be renewed periodically till the minor attains the age of majority.
- (iii) The petitioner is permitted to withdraw the interest and utilize the funds for the welfare of the minor Ms.N.Harshini.
- (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.

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 – Mr.D.Nandakumar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Birth Certificate of N.Harshini dated 29.08.2012. (Compared with original)
Ex.P2	Photocopy of the Aadhaar Card of N.Harshini. (Compared with original)
Ex.P3	Certified copy of the Sale Deed in Doc.No.2030 of 2017 dated 28.04.2017.
Ex.P4	Photocopy of the Death Certificate of A.R.Sujatha dated 22.03.2022.
Ex.P5	Photocopy of the Aadhaar Card of A.R.Radhakrishnan. (Compared with original)
Ex.P6	Photocopy of the Legal Heir Certificate of A.R.Sujatha dated 20.06.2022.
Ex.P7	Photocopy of the Axis Bank Pass Book of N.Harshini. (Compared with original)
Ex.P8	Photocopy of the Sale Agreement dated 19.01.2025. (Compared with original)
Ex.P9	Photocopy of the Aadhaar Card of Nandhakumar
Ex.P10	Copy of the paper publication in Tamil Daily Makkal Kural dated 18.05.2025.
Ex.P11	Copy of the paper publication in English Daily Trinity Mirror dated 18.05.2025.

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K.KUMARESH BABU, J.

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