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O.P. No.263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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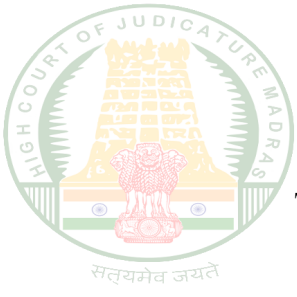
Jayanthi W/o. Late Vadamalai

... Petitioner

PRAYER: Original Petition has been filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 & 3 of Original Side Rules and Clause XVII of Letters Patent Act praying to (a) permit the petitioner to sell the petition mentioned property along with minor children's share to one Manikandan and (b) permit the petitioner to deposit the minor children's share in the total sale consideration in any one of the Nationalized bank in the name of minor children.

For Petitioner : Mr.A. Bharath Kumar

ORDER



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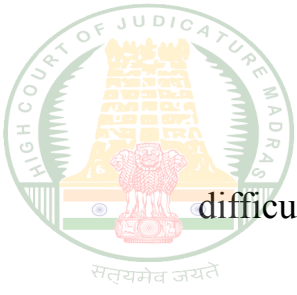
This petition has been filed under Section Section 8(2) of Hindu

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Minority and Guardianship Act, 1956, read with Order XXI Rule 2 & 3 of Original Side Rules and Clause XVII of Letters Patent Act (a) permit the petitioner to sell the petition mentioned property along with the share of her minor children Kishore Vadamalai and Gokul Vadamalai to one Manikandan and (b) to permit the petitioner to deposit the minor children's share in the total sale consideration in any one of the Nationalized bank in the name of minor children.

2. According to the petitioner, her husband late Mr. Vadamalai, had originally purchased the schedule mentioned property under a Sale Deed on 14.03.2012. Thereafter, he died intestate on 07.08.2016 leaving behind his wife and the two minor children. Therefore, the petitioner, as wife of the deceased and the two minor children are entiled to their respective shares in the said property. The petitioner is the mother and natural guardian of her two minor children. After the death of her husband, the petitioner found very

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difficult to maintain the minor children and to meet out their educational

expenses and other expenses. Therefore, the petitioner has come forward to

sell the petition-mentioned property along with the minor children's share in

the best interest of the minors and the sale consideration is fixed at

Rs.9,00,000/- and one Manikandan is proposed to purchase the property and

the petitioner is willing to join the minor children in selling the petition

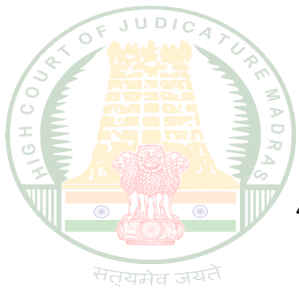
mentioned property. Therefore, the petitioner has filed this petition seeking

permission to sell the property along with minors' share and also to permit the

petitioner to deposit the sale proceeds of minors' share in any one of the

nationalized banks in the name of the minor children.

3. After filing of this petition, paper publication was effected and no any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.11 were marked.



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4. This Court also perused the evidence and the entire records.

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5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.11, they revealed that the petitioner and the deceased Vadamalai are the husband and wife and they are the parents of the minor children. Ex.P.6, Legal Heir Certificate, shows that the petitioner and the minor children are the legal heirs of the deceased Vadamalai and the minor children are each entitled to 1/3rd share over the property. The minor children are now under the care and custody of their mother, the petitioner herein. The father of the minor children is no more and the petitioner being the mother, is the only care-taker of the minor children. Therefore, it is quite possible for the petitioner to find it difficult to maintain herself and the minor children. The petitioner also filed an affidavit that for the maintenance and educational expenses of the minor children, the property has to be sold. Therefore, she has decided to sell the petition mentioned property in order to raise funds for the future maintenance of the minor children. Further, the purchaser is also ready to

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purchase the property or Rs.9,00,000/-. There is no any adverse interest against the minor and the sale of property is for the interest of minor children.

Therefore, in the interest of minor children, this petition has to be allowed.

6. In view of the above discussions, this **original petition is allowed on the following terms:**

(i) The petitioner is permitted to sell the share of the minor children in the property described in the schedule.

(ii) The petitioner is permitted to deposit the minor children's sale consideration of Rs.3 lakhs each in the nationalized bank in the name of the minor children;

(iii) The petitioner is permitted to withdraw the interest amount periodically that accumulates over the deposited amount once in three months for the well being of the minor children.

(iv) Upon complying with the above directions, an affidavit of compliance shall be filed in the Registry.



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WEB COPY (v) The minors are granted leave to apply for release of the fixed deposit upon attaining the age of majority.

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Index : Yes/No
Speaking Order : Yes/No

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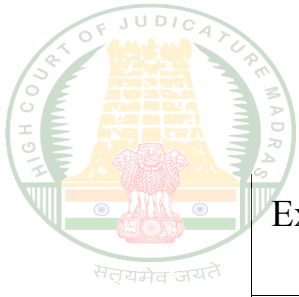
APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. Jayanthi W/o. Late Vadamalai.

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Photo copy of the Aadhar Card of the petitioner
Ex.P.2	-	Photo copy of the Aadhar Card of the 1st Minor child.
Ex.P.3	-	Photo copy of the Aadhar Card of the 2nd Minor child.



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Ex.P.4.	-	Photocopy of the Ration Card of the petitioner
Ex.P.5	-	Original Death Certificate of Vadamalai (Date of Death: 07.08.2016).
Ex.P.6	03.12.2018.	Computer generated Legal Heirship Certificate.
Ex.P.7	21.05.2010.	Photocopy of the Birth Certificate of Kishore.
Ex.P.8	13.06.2012	Photocopy of the Birth Certificate of Gokul.
Ex.P.9	14.03.2012	Photocopy of the Sale Deed bearing Doc. No.1874 / 2012.
Ex.P.10	-	Photocopy of the Aadhar Card of the purchaser Mr. Manikandan.
Ex.P.11	-	Photocopy of the Guideline Value Report.



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