



O.P. No. 206 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

O.P. No. 206 of 2025

A.Imthiyas Begum
(Mother of minors)

... Petitioner

PRAYER: Original Petition is filed under Sections 3, 7 to 10 & 29 of the Guardian and Wards Act, 1890 r/w. Order XXI, Rules 2 and 3 of Madras High Court Original side Rules, prays

a) appoint the petitioner as a legal guardian of the person and property of her minor daughters, 1) A. Aafiya Begum and 2) A. Aashiya Begum,

b) permit the petitioner to sell “B” schedule mentioned property, the minors share to 1) Mrs.Karthigai Jothi, wife of Mr.Ramaraj and 2) Mrs. Banu Rekha, daughter of Mr. Ramaraj and wife of Mr.M.Bharathi, residing at No.21/10, Kannu Pillai Street, New Washermenpet, Chennai – 600 081.

c) permit the petitioner to deposit 14/24th share of the sale proceeds of two minor daughters A.Aafiya Begum and A.Aashiya Begum, (7/24th share for each minor daughter) or as directed by this Court i.e., the total sum of Rs.13,74,334/- (Rupees thirteen lakhs seventy four thousand three hundred and thirty four only) for two minor daughters A.Aafiya Begum and A.Aashiya Begum, in any one of the nationalized bank/s in the name of the minor daughters A.Aafiya Begum and A.Aashiya Begum,

d) withdraw the interest from the sum of Rs.13,74,334/- (Rupees



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Thirteen lakhs seventy four thousand three hundred and thirty four only) deposited for two minor daughters A.Aafiya Begum and A.Aashiya Begum in any one of the Nationalized Bank and

e) pass such further order or other orders as this Court deems fit and proper under the circumstances of this case and thus render justice.

For Petitioner : Ms. A.Charumathy

ORDER

By this petition, the mother of the minor twins Minor.Ms.Aafiya Begum and Minor.Ms.A.Aashiya Begum, seeks to be appointed as the guardian of both the minors and the permission to deal with both the minor's share of the property belonging to one Late.Mr.A.Abdullah Sheriff, who is the father of the said minors.

2. The petitioner submits that that she is a Hanafi Mohammadhan and she had got married to one Mr.A.Abdullah Sheriff and out of the wedlock she had begotten 3 children including the Minor.Ms.A.Aafiya Begaum and Minor.Ms.Aashiya Begum. The petitioner submits according to the Hanafi Mohammadhan Law the father is the natural guardian and in his absence or death, the paternal grandfather if he is alive becomes the guardian, otherwise the executor of the father assumes the guardianship. The petitioner states



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that the father of the minors Mr.A.Abdullah Sheriff died on 27.01.2020 and the paternal grandfather Late.Mr.A.Abdul Kareem and the paternal grandmother Late.Mrs.Sabera Beevi of the minors had also died on 02.05.2021 and 25.03.2023 respectively. The petitioner contends both the father and the paternal grandfather of the minors died and there are no executors appointed as the guardian by neither the father nor the paternal grandfather of the minors. Hence the petitioner pleads to be appointed as the legal guardian of her minor daughters, Minor.Ms.A.Aafiya Begaum and Minor.Ms.Aashiya Begum.

3. The petitioner submits that her husband and the father of the minors Mr.A.Abdullah Sheriff had purchased an immovable property which is described morefully in the Schedule 'A' of the petition, *vide* Sale Deed dated 26.04.2013 registered as Document No.1152 of 2013 in SRO of Royapuram. The said Mr.A.Abdullah Sheriff died intestate leaving behind his wife, the petitioner herein and his 3 children including his twin daughters Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum. The petitioner contends that as per the Hanafi Mohammadhan Law she is entitled to a 1/8th share and her minor daughters, Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum are entitled to 7/24th shares each in the



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immovable property mentioned in Schedule 'A' of the petition. The petitioner along with her another daughter Ms.Roshini Begum had entered into a Sale Agreement on 25.01.2025 with Mrs.Karthigai Jothi and Mrs.Banu Rekha to sell the immovable property for a Sale consideration of Rs.23,56,000/-. Since the minors, Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum are entitled to 7/24th share each as stated *supra*, their individual share from the sale consideration amounts to Rs.6,87,167/- each. Therefore both the minors together are entitled to 14/24th undivided share as mentioned in the Schedule 'B' of the petition with their share in total consideration amounting to Rs.13,74,334/-. The petitioner prays that it is necessary to permit the sale of the share of the minors, Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum for their benefit and welfare.

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, 14 documents listed at the foot of this order were exhibited as Ex.P1 to P12 and Ex.C1 to Ex.C2. The online copy of the birth certificates of the minor twins, Ms.A.Aafiya Begum and Ms.A.Aashiya Begum have been marked as Ex.P6 and Ex.P7 which proves that they both



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were born on 24.01.2011. The certified copy of the Sale Deed No.1152 of 2013 has been marked as Ex.P1. The online copy of the death certificates of Late.Mr.A.Abdulla Sheriff and his parents Late.A.Abdul Kareem and Mrs.Sabera Beevi has been marked as Ex.P2, Ex.P4 and Ex.P5 respectively. The certified copy of the Sale Agreement dated 25.01.2025 has been marked as Ex.P8. The legal heirship certificate of Late.Mr.A.Abdullah Sheriff has been marked as Ex.P2. The perusal of Ex.P2 substantiates the claims made in the petition that the minor twins Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum are the daughters of Late.Mr.A.Abdullah Sheriff and they are entitled to 7/24th share each from the immovable property owned by him and the Ex.P2 further establishes that the petitioner is the mother of the minors. The general paper publications had been effected which are marked as Ex.C1 and Ex.C2 and no objections have been received for the same.



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WEB COPY 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 appointed as the legal guardian of the person and property of her minor daughters Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum.

(ii) The petitioner is permitted to sell the Minor.Ms.A.Aafiya Begum's and Minor.Ms.A.Aashiya Begum's share of property is more fully described in the schedule 'B' to 1) Mrs.Karthigai Jothi, wife of Ramaraj and 2) Mrs.Banu Rekha, daughter of Mr.Ramaraj and wife of Mr.M.Bharathi, residing at No.21/10, Kannu Pillai Street, New Washermenpet, Chennai-600 081,

(iii) The sale proceeds to the share of Minor.Ms.A.Aafiya Begum and Minor.Ms.A.Aashiya Begum which equals to 14/24th share of the sale proceeds, shall be deposited in the fixed deposits in the name of both the minors in any Nationalized Bank which shall be renewed periodically till they attain the age of majority and the petitioner is permitted to withdraw interest from those deposits.

(iv) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the fixed deposit



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receipts within six months before the Assistant Registrar (Original

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Index :Yes/No

Neutral Citations: Yes/ No

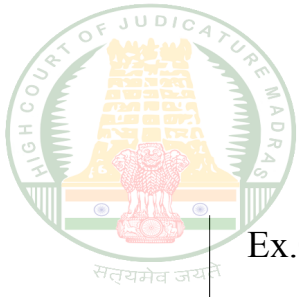
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List of witnesses examined on the side of the petitioner:

PW1- Mrs. A.Imthiyas Begum

List of documents marked on the side of the petitioner:

Ex.P1	Certified copy of the sale deed No.1152 of 2013, dated 26.04.2013.
Ex.P2	Online copy of the death certificate of late A.Abdulla Sheriff dated 17.03.2020.
Ex.P3	Online copy of the legal heir certificate of late A.Abdulla Sheriff dated 15.10.2024.
Ex.P4	Online copy of the death certificate of late A.Abdu Kareem dated 11.06.2021.
Ex.P5	Online copy of the death certificate of Sabera Beevi dated 14.04.2023.
Ex.P6	Online copy of the birth certificate of minor A.Aafiya Begum dated 17.02.2025.
Ex.P7	Online copy of the birth certificate of minor A.Aafiya Begum dated 17.02.2025.
Ex.P8	Certified copy of the sale agreement in Doc.No.179/2025 dated 25.01.2025.
Ex.P9	Photocopy of the Aadhar card of the petitioner A.Imthiyas Begum.
Ex.P10	Photocopy of the Aadhar card of the minor A.Aafiya Begum.
Ex.P11	Photocopy of the Aadhar card of the minor A.Aafiya Begum.
Ex.P12	Certified copy of the declaration deed No.148 of 2024 dated 21.11.2024.



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Ex.C1	Paper publication of the English edition “The Trinity Mirror” dated 29.04.2025.
Ex.C2	Paper publication of the Tamil edition “Makkal Kural” dated 01.05.2025.

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