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O.P.No.249 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.07.2025**

CORAM

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

O.P.No.249 of 2025

Mrs.Reeja

...Petitioner

PRAYER: Original Petition filed under Sections 3, 7 to 10 and 29 of the Guardians and Wards Act, 1890 R/W Order XXI Rules 2 and 3 of OS Rules and Clause XVII of Letters Patent to a) appoint the petitioner as guardian of the person and property of the minor Miss S.R.Perlin b) permit the petitioner to sell the minor's 2/27th undivided share of the schedule mentioned properties for the betterment of the minor c) permit the petitioner to deposit the minor's share into any Nationalised Bank Account of the minor, until/unless the minor attains the age of eighteen.

For Petitioner : Mr.S.S.Rajesh

ORDER

By this petition, the mother and natural guardian of the minor Ms.S.R.Perlin, seeks permission to deal with the minor's share of the properties belonging to one Mrs.Rajamma, who is the paternal grandmother to the minor.

2. The petitioner states that her mother-in-law Late Mrs.Rajamma was



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married to one Mr.Sathyanesan @ J.Mani and had begotten three sons, viz., Mr.Anilkumar, Mr.Sunil Kumar and Mr.Arun Kumar. The petitioner submits that she had got married to the above said Mr.Sunil Kumar, who is one of the legal heirs to Late Mrs.Rajamma and had begotten two children including the Minor Ms.S.R.Perlin. She submits that her mother-in-law Late Mrs.Rajamma had purchased the immovable properties listed under the schedule of the petition. The above said Late Mrs.Rajamma died on 07.03.2023 and one of her sons Mr.Sunil Kumar had predeceased her on 03.09.2022. The petitioner submits that the Mr.Sathyanesan @ Mani, who is the husband of Late Mrs.Rajamma is entitled to $1/3^{\text{rd}}$ share and the three sons of Late Mrs.Rajamma including her predeceased son Mr.Sunil Kumar are entitled to $2/9^{\text{th}}$ share each in the immovable properties mentioned in schedule of the petition.

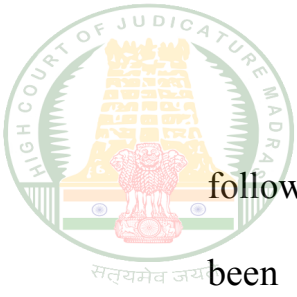
3. The petitioner contends that her husband Mr.Sunil Kumar as one of the legal heir of Late Mrs.Rajamma is entitled to $2/9^{\text{th}}$ of the share in the immovable properties mentioned in the schedule of the petition. The petitioner further contends that the said Mr.Sunil Kumar died intestate leaving behind his wife the petitioner herein and his 2 children including the Minor Ms.S.R.Perlin as his only legal heirs. The petitioner further contends



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that the above said legal heirs of Mr.Sunil Kumar, including the minor Ms.S.R.Perlin are entitled to a 2/27th share each in the immovable properties listed in the schedule of the petition. The petitioner also submits that she along with the other legal heirs of Late.Mrs.Rajamma had entered into two Sale Agreements both dated 15.03.2025, with Mr.B.Prithiviraj @ B.Prithivi Raj, Mrs.P.Shanthi @ P.Shanti and Mr.K.Parthiban for the Sale considerations of Rs.4,53,51,970/- towards the Item No.I and Rs.64.19.000/- towards the Item No.II mentioned in the schedule of the petition. The minor's share from the above said Sale considerations of the immovable properties amounts to Rs.39,72,420 /- and Rs.5,64,000/- as described under the schedule of the petition. Therefore the petitioner prays that it is necessary to grant permission to sell the minor Ms.S.R.Perlin's share in the immovable properties for the minor's benefit.

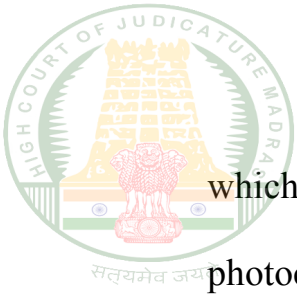
4. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as PW1. In the course of the examination in chief of PW1, 11 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P11. The birth certificate of the Minor Ms.S.R.Perlin has been marked as Ex.P1 which discloses that the minor was born on 19.04.2008. The photocopies of the Sale Deeds are marked as



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follows; Sale Deed dated 24.04.1996 registered as Doc.No.2234 of 1996 has been marked as Ex.P4, Sale Deed dated 22.04.1996 registered as Doc.No.2173 of 1996 has been marked as Ex.P5 and Sale Deed dated 11.10.1999 registered as Doc.No.4291 of 1999 has been marked as Ex.P6. The printout of the death certificates of Mrs.Rajamma and Mr.Sunil Kumar has been marked as Ex.P7 and Ex.P9. The printouts of legal heirship certificate of Mrs.Rajamma and Mr.Sunil Kumar has been marked as Ex.P8 and Ex.P10 respectively. The combined perusal of Ex.P8 and Ex.P10 clearly substantiates the claims made in the petition that as one of the legal heir of Mr.Sunil Kumar, the minor Ms.S.R.Perlin is entitled to her 2/27th share in each of the immovable properties which are mentioned in the schedule of the petition. The general paper publications had been effected and no objections have been received for the same.

5. The petitioner has examined one of the proposed purchasers to the immovable properties Mr.K.Parthiban as PW2. He has marked the Agreement of Sale dated 15.03.2025 pertaining to property in S.No.I of the petition's schedule has been marked as Ex.P12. Similarly the Agreement of Sale dated 15.03.2025 pertaining to property in S.No.II of the petition's schedule has been marked as Ex.P13. He has also filed his proof affidavit in



which he had spoken about the Sale Agreements and he had marked the photocopy of his aadhar card as Ex.P14.

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6. 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 guardian of the person and the properties of the minor Ms.S.R.Perlin.

(ii) The petitioner is permitted to sell the minor. Ms.S.R.Perlin 2/27th undivided share of properties is more fully described in the schedule.

(iii) The sale proceeds to the share of Minor Ms.S.R.Perlin shall be deposited in a fixed deposit of any Nationalized Bank which shall be renewed periodically till she attains the age of majority.

(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.

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Index :Yes/No

Petitioner's witness:
P.W.1 – Mrs.Reeja

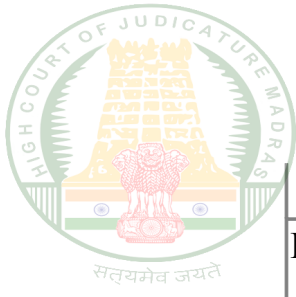


P.W.2 – Mr.K.Parthiban

Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Printout of the Birth Certificate of the Minor Ms.S.R.Perlin dated 08.05.2023.(Certificate filed u/s 63(4) (c) of BSA 2023)
Ex.P2	Photocopy of the Aadhaar Card of the petitioner.(Compared with original)
Ex.P3	Certified copy of the Lease Deed registered as Doc.No.1165 of 2005 SRO, Virugambakkam dated 04.03.2005.
Ex.P4	Photocopy of the Sale deed registered as Doc.No.2234 of 1996 SRO, Virugambakkam dated 24.04.1996 (covering 4482 sq.ft), (Compared with original)
Ex.P5	Photocopy of the Sale deed registered as Doc.No.2173 of 1996 SRO, Virugambakkam dated 22.04.1996 (covering 4456 sq.ft), (Compared with original)
Ex.P6	Photocopy of the Sale deed registered as Doc.No.4291 of 1999 SRO, Virugambakkam dated 11.10.1999 (Compared with original)
Ex.P7	Printout of the Death Certificate of Mrs.Rajamma dated 16.03.2023.(Certificate filed u/s 63(4) (c) of BSA 2023)
Ex.P8	Printout of the Legal Heirship Certificate of Mrs.Rajamma dated 18.02.2024.(Certificate filed u/s 63(4) (c) of BSA 2023)
Ex.P9	Printout of the Death Certificate of Sunil Kumar dated 12.10.2022.(Certificate filed u/s 63(4) (c) of BSA 2023)
Ex.P10	Printout of the Legal Heirship Certificate of Sunil Kumar dated 19.12.2022.(Certificate filed u/s 63(4) (c) of BSA 2023)
Ex.P11	Photocopy of the Valuation Report pertaining to S.No.1 and 2 of the schedule mentioned properties dated 30.01.2025.(Compared with original)
Ex.P12	Agreement for Sale pertaining to the property described in S.No.I of Suit Schedule dated 15.03.2025.(Compared with



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	the original)
Ex.P13	Agreement for Sale pertaining to the property described in S.No.II of Suit Schedule dated 15.03.2025.(Compared with original)
Ex.P14	Photocopy of the Aadhar Card of K.Parthiban.(Compared with original)

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