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O.P.No.248 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.07.2025**

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

O.P.No.248 of 2025

Amirthavarshini R.R.

...Petitioner

PRAYER: Original Petition filed under Section 8 (2) (a) of the Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 & 3 of Original Side Rules praying to grant permission to the petitioner to sell the share of her son minor R.AADVIK in the property an extent of 2152 sq.ft.land and residential building belonged to petitioner's predeceased father-in-law (late) N.ETHIRAJAN an extent of 2152 sq.ft land and building with ground floor and first floor Door Old No.20, New No.15, Solaiyappan Street, T.Nagar, Chennai 600 017, as per Sale Deed Doc.No.1123/1973 formally situated at Mambalam Solaiyappan Naicker Thottam, Kodambakkam High Road, Jamin Mambalam comprised in old paimash No.486-487 and 488, R.S.No.31, T.S.No.4736/6, New T.S.No.4736/6, Block No.107, of Thiyyagaraya Nagar Village, Mambalam-Guindy Taluk, Registration District of Chennai, Sub-Registration District of Thiyyagaraya Nagar, now Registration District of South Chennai. The sale proceeds of minor share sum of Rs.17,05,000/- (Rupees seventeen lakhs and five thousand only) shall be deposited in the name of minor R.AADVIK.

For Petitioner : Mr.R.Sekaran

**ORDER**

By this petition, the mother and natural guardian of the minor,

R.Aadvik, seeks permission to deal with the minor's share of the property belonging to one N.Ethirajan, who was the grandfather of the minor and the father-in-law of the petitioner. The petitioner was married to E.Rajaram and begotten the minor R.Aadvik out of their wedlock. N.Ethirajan died on 20.12.1998 leaving behind his wife and his son E.Rajaram as legal heirs. The wife of N.Ethirajan and mother of E.Rajaram died on 11.09.2019. E.Rajaram died on 08.04.2021, leaving behind his wife, the petitioner and his son the minor as his surviving legal heir.

2. The petitioner asserts that the property to an extent of 2152 sq.ft mentioned in the petition schedule were purchased by N.Ethirajan on 23.07.1973 vide document No.1123 of 1973. After the demise of the N.Ethirajan, the property devolved upon his wife and son as his legal heirs. Subsequently, his wife and son died and the property devolved upon the petitioner and the minor as the legal heirs of the son of N.Ethirajan. The minor is entitled to $\frac{1}{2}$ share in the property. Further, the said property was agreed to be sold to one Elumalai with whom an agreement of sale was entered by the husband and mother-in-law of the petitioner for a sale consideration of Rs.1,50,00,000/- wherein Rs.72,00,000/- was paid as



advance. Altogether a sum of Rs.1,25,90,000/- remains as debt for the petitioner. The petitioner approximately values the property as Rs.1,60,00,000/- and after settling the debt a sum of Rs.34,10,000/- will remain. The minor is entitled to $\frac{1}{2}$ share for a sum of Rs.17,05,000/-. In order to settle the debt, agreement of sale amount and lease and rent advance, it is required to sell the properties mentioned in the petition schedule. Hence, it is necessary to permit the sale of the shares of the Minor R.Aadvik, i.e. $\frac{1}{2}$ share for his benefit.

3. 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, 25 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P25. The birth certificate of Minor R.Aadvik has been marked as Ex.P6, discloses that he was born on 18.09.2015. The death certificate of grandparents of the minor as Ex.P3 and Ex.P7. The legal heirship certificate of the grandparents of the minor as Ex.P4 and Ex.P8. The marriage registration certificate of the petitioner as Ex.P4. The death certificate and legal heirship certificate of the husband of the petitioner as Ex.P10 and Ex.P11. The widow certificate of the petitioner as Ex.P12. As evidence of the title of Late N.Ethirajan, the registered sale deed dated



23.07.1973 as Ex.P1. To show the existing liability of debts, the agreement of sale, lease agreement, rental agreement marked as Ex.P18 to Ex.P21.

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4. 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 share of the minor.R.Aadvik in the property to an extent of 2152 sq.ft. Land and residential building belong to the petitioner's predeceased father-in-law, late N.Ethirajan more fully described in the schedule to the petition.

(ii) The sale proceeds to the share of the minor R.Aadvik shall be deposited in a fixed deposit of any Nationalised Bank in the name of the minor, 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



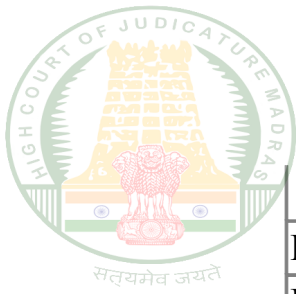
Petitioner's witness:

P.W.1 – Mrs.R.R.Amirthavarshini

P.W.2 – Mr.G.Elumalai

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of Sale deed of Late N.Ethirajan dated 23.07.1973.
Ex.P2	Photocopy of Patta (Land Register)
Ex.P3	Photocopy of Death Certificate of N.Ethirajan dated 20.12.1998.
Ex.P4	Photocopy of the Legal Heirs Certificate of Late.N.Ethirajan dated 04.08.2008.
Ex.P5	Photocopy of the Marriage registration certificate of petitioner dated 08.02.2021.
Ex.P6	Photocopy of the Birth Certificate of Petitioner's minor son R.Aadvik dated 02.04.2018.
Ex.P7	Photocopy of the Death certificate of E.Vaidhegy dated 30.09.2019.
Ex.P8	Photocopy of the Legal heir certificate of Late.E.Vaidhegy dated 17.12.2020.
Ex.P9	Photocopy of the Medical reports of E.Rajaram.
Ex.P10	Photocopy of the Death certificate of E.Rajaram dated 22.04.2021.
Ex.P11	Photocopy of the Legal heirs certificate of E.Rajaram dated 04.07.2021.
Ex.P12	Photocopy of the Widow certificate of petitioner Amirthavarshini R.R. Dated 05.07.2021.
Ex.P13	Photocopy of the Aadhar card of Amirthavarshini R.R.
Ex.P14	Photocopy of the Aadhar card of E.Rajaram (petitioner's husband)
Ex.P15	Photocopy of the Aadhar card of petitioner's minor son R.Aadvik.
Ex.P16	Photocopy of the Aadhar card of petitioner's mother-in-law



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	(late) E.Vaidhegy.
Ex.P17	Photocopy of the Family card of the petitioner.
Ex.P18	Photocopy of the Agreement for sale deed between E.Vaidhegy & E.Rajaram and Elumalai dated 21.11.2014.
Ex.P19	Photocopy of the Lease Agreement between Amirthavarshini R.R. And J.Anthhonyammal for sum of Rs.12,50,000/- dated 01.04.2023.
Ex.P20	Photocopy of the Lease Agreement between Amirthavarshini R.R. And K.Chithra for sum of Rs.10,00,000/- dated 20.03.2025.
Ex.P21	Photocopy of the Rental agreement between E.Rajaram and S.Arun Kumar for Advance sum of for Rs.2,00,000/- dated 25.01.2021.
Ex.P22	Photocopy of the Government Guide line value of the property.
Ex.P23	Original under Section 65 B of the Indian Evidence Act.
Ex.P24	Original paper publication in Trinity Mirror English news paper dated 01.05.2025.
Ex.P25	Original paper publication in Makkal Kural Tamil news paper dated 01.05.2025.

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