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O.P.No.593 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.593 of 2024

Mrs.R.Thenmozhi

...Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act 1956 read with Order XXI Rule 2 & 3 of Original Side Rules, to grant permission to sell the minors' share of property morefully described in the schedule and to invest the minors' share in any Nationalized Bank till they attain majority.

For Petitioner : Mr.S.Jaganathan

ORDER

By this petition, the mother and natural guardian of the minors, R.Rakul Ramesh and R.Raksetha Sevani, seeks permission to deal with both the minor's shares in the property co-owned by Late.Mr.A.S.R.Raghupathy along with the petitioner, the deceased was married to the petitioner and had begotten four children, Ms.Ramya Devi, Minor.R.Rakul.Ramesh, Minor.Raksetha Sevani and a predeceased son Mr.R.Ramesh. The said late.Mr.Raghupathy died intestate on 02.12.2023 leaving behind his wife, the petitioner, his two daughters and his son including minors as his only



surviving legal heirs. The said legal heirs are entitled to 1/8th undivided share in the property.

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2. The petitioner asserts that the above-mentioned property was purchased by late.Mr.A.S.R.Raghupathy along with the petitioner from Mr.K.Sundarajan under document No.2132 of 1995 dated 21.08.1995. During his lifetime, he was in peaceful possession and enjoyment of the said property. As the said Late.Mr.Raghupathy died intestate on 02.12.2023, the legal heirs of him are entitled to 1/8th undivided share in the said property including the minors. Further, the petitioner along with the legal heirs entered into a Sale Agreement dated 30.05.2024 in respect of the subject property with one Mr.J.Varadarajan for a sale consideration of Rs.1,00,00,000/-. It is necessary to permit the sale of the share of the Minor.R.Rakul Ramesh and Minor.Raksetha Sevani for their benefit.

3. The petitioner has examined herself as PW1. In the course of the examination she has produced 14 documents, which are listed at the foot of this order and were exhibited as Ex.P1 to Ex.P14. The birth certificates of the twins Minor.R.Rakul Ramesh and Minor.Raksetha Sevani has been marked as Exp2 and Ex.P3 respectively, discloses that the minors were born



on 01.11.2007. The death certificate of the father of the minors, deceased late.Mr.R.Raghupathy as Ex.P4. The legal heir certificate of late.Mr.R.Raghupathy as Ex.P5. As evidence of the title in favour of late.Mr.R.Raghupathy and the petitioner, the registered Sale Deed dated 21.08.1995 as Ex.P1. The agreement of sale has been marked as Ex.P6. The photocopy of the aadhar card of the petitioner is marked as Ex.P13.

4. The evidence of Mr.J.Varadarajan, the party to the Sale Agreement dated 30.05.2024 has been marked as PW2.

5. On perusal of the Ex.P5, Ex.P2 and Ex.P3 it is clear that the petitioner is the mother of the minors. The Ex.P5 and Ex.P13 proves that the petitioner is wife of deceased Late.Mr.Raghupathy.

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 permitted to sell the minor.Mr.R.Rakul Ramesh's and minor.Ms.Raksetha Sevani's share of property is more fully described in the schedule.
- (ii) The sale proceeds to the share of the minors R.Rakul Ramesh and



R.Raksetha Sevani shall be deposited in any Nationalised Bank which shall be renewed periodically till they attain the age of majority. The same shall be used for the welfare of the minors.

(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

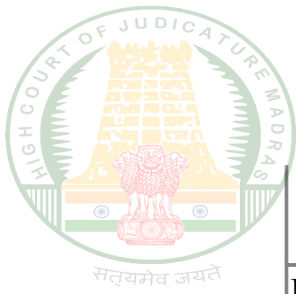
Petitioner's witness:

P.W.1 – Mrs.R.Thenmozhi

P.W.2 - Mr.J.Varadarajan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Certified copy of the sale deed dated 21.08.1995 executed in favour of Mr.A.S.R.Raghupathi and Mrs.R.Thenmozhi (Compared with original)
Ex.P2	Computer generated birth certificate of Mr.RA.Rakul Ramesh.
Ex.P3	Computer generated birth certificate of Mr.R.Raksetha Sevani.
Ex.P4	Computer generated death certificate of Mr.Ragupathi.
Ex.P5	Computer generated legal heir ship certificate of Mr.Ragupathi.
Ex.P6	Photocopy of the sale agreement dated 30.05.2024 entered into between Mrs.R.Thenmozhi and 3 others as the first



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	party and Mr.J.Varadharajan as the second party. (Compared with original)
Ex.P7	Photocopy of the sale agreement dated 30.05.2024 entered by Mrs.R.Thenmozhi and Mrs.Ramya Devi in favour of Mr.J.Varadharajan. (Compared with original)
Ex.P8	Computer generated Patta stands in the name of Mr.K.Sundararajan and Mr.J.Varadharajan.
Ex.P9	Computer generated encumbrance certificate dated 29.05.2024 for the period from 01.01.1995 to 28.05.2024 in respect of Survey Nos.4229/1, 4228/3.
Ex.P10	Screenshot copy of the guideline value of the property.
Ex.P11	Photocopy of Aadhar Card of minor R.Rakul Ramesh. (Compared with the original)
Ex.P12	Photocopy of Aadhar Card of minor R.Rakshetha Sevani (Compared with the original)
Ex.P13	Photocopy of Aadhar Card (Compared with the original)
Ex.P14	Certificate under Section 65 B of the Indian Evidence Act, 1872. (In respect of Exs.P2, P3, P4, P8, P9 and P10)

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