



O.P. No.346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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Eswari.J. W/o. Late Kannan

... Petitioner

PRAYER: Original Petition is filed under Section 8(2) of Hindu Minority and Guardianship Act 1956 read with Order XXI Rule 2 and 3 of the Original Side Rules praying to (i) permit the petitioner to sell the 1/12th undivided share of minor namely K. Muthukumaran in the schedule property is about Rs.2,25,000/- per share out of total value of Rs.27 lakhs, and (ii) permit the petitioner to deposit the sale proceeds in the name of minor in any nationalized bank.

For Petitioner : Mr. M. Antony Jesurajan

ORDER

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



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Guardianship Act 1956 read with Order XXI Rule 2 and 3 of the Original

Side Rules praying to (i) permit the petitioner to sell the 1/12th undivided share of minor namely K. Muthukumaran in the schedule property is about Rs.2,25,000/- per share out of total value of Rs.27 lakhs, and (ii) permit the petitioner to deposit the sale proceeds in the name of minor in any nationalized bank.

2. According to the petitioner, she married to one Mr Kannan and got two children namely K. Samadharshini and K. Muthukumaran. The said Mr. Kannan died intestate at Chennai on 31.03.2017, leaving behind his wife and children his legal heirs and mother Mrs. Rani. The said Mrs. Rani died on 10.03.2025. The said Mr. Kannan, during his lifetime, along with his brothers, had jointly purchased the schedule mentioned property and built a house. The schedule property is being a joint family property, the petitioner, in order to settle the loan and to take care of her family expenses, has decided to sell their undivided share in the schedule property. After the death of her

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husband, the petitioner is the only caretaker of her family and she is working

as a Teacher in a Nursery and Primary School and earning Rs.10,000/- per

month and except that income, she has no other source of income. 1/3

undivided share of schedule property stands in the name of the deceased Mr.

Kannan. The petitioner and her two children, being the surviving three legal

heirs of the deceased Mr. Kannan, hold 1/12 undivided share each and interest

over the schedule property. She has received financial assistance to settle

private loans and for her daughter's treatment. For the welfare and benefit of

her minor son, Guardianship certificate and permission of Court is necessary

to sell the undivided share in the schedule property. She has absolutely no

adverse interest against her minor son. She is ready and undertakes to deposit

some portion of sale consideration in the name of her minor son. The

petitioner is a natural guardian of minor son Muthukumaran. Therefore, the

petitioner has filed this petition seeking permission to sell the 1/12 undivided

share of the minor Muthukumaran's share worth about Rs.2,25,000/- and also

to permit the petitioner to deposit the sale proceeds of minor's share in any

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one of the nationalized banks.

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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.10 were marked.

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

5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.10, they revealed that the petitioner and the deceased Kannan are the husband and wife and they are the parents of K. Samadharshini and minor K. Muthukumaran. Ex.P.7, Legal Heir Certificate, shows that the petitioner and her children are the legal heirs of the deceased Kannan and they are each entitled to 1/12 share over the property, which was purchased jointly by the deceased Mr. Kannan along with his brothers. The children are now under the

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care and custody of their mother, the petitioner herein. The father of the

children is no more and the petitioner being the mother, is the only care-taker

of her children. Therefore, it is quite possible for the petitioner to find it

difficult to maintain herself and the children. It is also stated that with the

financial support of the relatives, the petitioner has settled the private loans

and is taking treatment for her elder daughter. The petitioner also filed an

affidavit that for the maintenance and educational expenses of the children,

the property has to be sold. Therefore, she has decided to sell her minor son's

1/12 share over the petition mentioned property in order to raise funds for the

future maintenance of the children. There is no any adverse interest against

the minor and the sale of property is for the welfare and interest of minor son.

Therefore, in the interest of minor son, 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 1/12 undivided share of the minor son namely K. Muthukumaran in the property described in the

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schedule, worth about Rs.2,25,000/-, out of total value of Rs.27 lakhs.

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(ii) The petitioner is permitted to deposit her minor son's sale consideration in the nationalized bank in the name of the minor son;

(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 son.

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

(v) The minor son is 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. Eswari.J.

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List of Petitioner side Documents:

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Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Photocopy of the Aadhar card of the petitioner.
Ex.P.2	-	Photocopy of the Aadhar card of Ms. Samadharshini.
Ex.P.3	13.10.2008	Certified copy of the Sale deed registered as Doc. No.5131 of 2008.
Ex.P.4.	28.04.2025	Photocopy of the Birth Certificate of K. Muthukumaran.
Ex.P.5	-	Photocopy of the Aadhar Card of Muthukumaran.
Ex.P.6	28.04.2025	Photocopy of the Death Certificate of Mr. Kannan.
Ex.P.7	12.08.2024	Photocopy of the Legal Heir Certificate of Mr. Kannan.
Ex.P.8	17.03.2025	Photocopy of the Death Certificate of Rani.
Ex.P.9	01.06.1982 to 26.04.2025	Photocopy of the Encumbrance Certificate for the said period.
Ex.P.10	15.10.2024	Extract of Town Survey Land Register / Patta.

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