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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 392 of 2025

1. Vijayalakshmi
W/o. Late G.Shanmugam, No.292, 12th
Street, Sharma Street, Vyasarpadi,
Chennai 600 039.

Petitioner(s)

Vs

1. No Respondent
Nil

Respondent(s)

PRAYER: The Original Petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Order XXI Rule 2 and 3 of the Original Side Rules praying to permit the petitioner to sell the Minor S.Mysha's 1/4th share in the schedule mentioned property and deposit her share amount of Rs.2,00,000/- (Rupees two lakhs only) in a Nationalized Bank in the form of Fixed Deposit till the Minor. S.Mysha attains majority.

For Petitioner(s): M/s.V.Janarthanan

ORDER

This petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Order XXI Rule 2 and 3 of the Original Side Rules



to permit the petitioner to sell the Minor S.Mysha's 1/4th share in the schedule mentioned property and deposit her share amount of Rs.2,00,000/- (Rupees two lakhs only) in a Nationalized Bank in the form of Fixed Deposit till the Minor attains majority.

2. According to the petitioner, the schedule mentioned property i.e., 840 sq. ft. was purchased by the mother-in-law of the petitioner namely G. Muthammal and the said G.Muthammal died on 13.08.2015 leaving behind her four legal heirs namely Kumari, Baby, G. Shanmugam and Babu. After the demise of the said G. Muthammal, a release Deed was executed by the daughters Kumari and Baby in favour of the G. Shanmugam, the petitioner's husband and Babu. The petitioner's husband G. Shanmugam died on 29.05.2022 leaving behind the petitioner and her minor daughter S. Mysha. In the mean time, the brother-in-law of the petitioner namely Babu, had executed a mortgage deed in a financial institution namely Paraspara Sahaya Nidhi (Perambur) Limited and obtained loan. Thereafter, the petitioner and her brother-in-law have filed an application before the TNPID Court, Chennai for return of original title document and the same was disposed of with a direction to pay Rs.15,10,486/-. The petitioner and her brother-in-law are not able to mobilize the said funds. Therefore, they jointly decided to sell the schedule property including the constructed house and including the share of minor to one K. Balaji and also entered into a Sale Agreement dated 25.11.2024 for the total sale consideration of Rs.22 lakhs and



the petitioner has received advance amount of Rs.14 lakhs to pay back the borrowed loan amount of Rs.15,10,486/- to Paraspara Sahaya Nidhi (Perambur)

Limited. The petitioner has no other movable and immovable properties to settle the borrowed loan due. The petitioner as a duty bound legal heir of her deceased husband has taken steps to settle the dues and the remaining amount of Rs.2 lakhs in the above sale proceeds of Rs.22 lakhs, is required for the future expenses of the minor child of the petitioner. The petitioner is the mother and natural guardian of her minor daughter. After the death of her husband, the petitioner found very difficult to maintain the minor child and to meet out her educational expenses and other expenses. The petitioner has also undertaken to invest the minor's share of Rs.2,00,000/- into a Nationalized Bank. After the demise of her husband, the minor daughter is under the care and custody of her mother, the petitioner herein. Therefore, the petitioner has filed this petition seeking permission to sell the minor's share in the petition-mentioned property and to deposit the same in a nationalized bank in the form of fixed deposit till the majority of the minor daughter.

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.14 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.14, they revealed that the petitioner and the deceased G. Shanmugam are the husband and wife and they are the parents of the minor daughter namely S. Mysha. Ex.P.6 shows that the petitioner and the minor daughter are the legal heirs of the deceased G. Shanmugam. It is also seen that the said G. Shanmugam along with his brother, had jointly borrowed loans from Paraspara Sahaya Nidhi (Perambur) Limited on the basis of executing equitable mortgage deed. Thereafter, as the loan instalments were not paid accordingly, based on a complaint, the petitioner and her brother-in-law faced proceedings before the TNPID Court and as per the order of the Court, the petitioner was directed to produce fixed deposit of Rs.15,10,486/- for the loans obtained from the above said financial institution, to the credit of the case in Cr. No.5/202 on the file of Economic Offence Wing-II, Chennai. In order to comply the said order of the Court to settle the loan and for the welfare of the minor daughter, the petitioner seeks permission of this Court to sell the property.

6. The minor daughter is now under the care and custody of the petitioner. The father of the minor daughter is no more and the petitioner being the mother, is the only care-taker of the minor child and she has no any adverse interest against the minor and she needs the minor's share in the sale proceeds of the property for the future expenses of the minor. Since the husband of the



petitioner died, it is quite possible for the petitioner to find it difficult to maintain herself and the minor child. Therefore, she has decided to sell the petition mentioned property in order to settle the loan and to get minor's share in the sale proceeds for the future maintenance and interest of the minor child. Therefore, in view of the above, the petitioner is entitled to get 1/4th share of her minor daughter S. Mysha in the schedule property for the interest of the minor.

7. With the above said observations, this **original petition is allowed on the following terms:**

(i) The petitioner is permitted to sell the $\frac{1}{4}$ share of the minor S. Mysha in the property described in the schedule.

(iii) The petitioner is permitted to deposit the minor child's sale consideration to the tune of Rs.2,00,000/- into a Nationalized bank and

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

(iv) The minor 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/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

**APPENDIX:****List of Petitioner side Witnesses:**

PW1 : Mrs. S. Vijayalakshmi

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	24.10.2005	Photocopy of the Sale deed executed in favour of Mrs. G. Muthammal.
Ex.P.2	-	Computer generated Birth Certificate of Minor S. Mysha.
Ex.P.3	18.07.2018	Photocopy of the Release Deed.
Ex.P.4.	15.05.2019	Photocopy of the Mortgage Deed.
Ex.P.5	-	Computer generated Death Certificate of Mr. Shanmugam.
Ex.P.6	-	Computer generated Legal Heirship Certificate of Mr. Shanmugam.
Ex.P.7	27.08.2024	Certified copy of the order in Crl. M.P. No.1063 of 2024 in Cr. No.5 of 2023 passed by the VII Additional Special Judge for CBI Cases, Special Court under TNPID Act, Chennai.
Ex.P.8	28.10.2024	Certified copy of the order in Crl. M.P. No.2412 of 2024 in Crl. M.P. No.1063 of 2024 in Cr. No.5 of 2023 passed by the Special Court No.II for Trial of Criminal Cases related to Elected MP's and MLA's of Tamil Nadu, Chennai.
Ex.P.9	25.11.2024	Photocopy of the Sale Agreement.
Ex.P.10	22.01.2025	Original letter sent by the competent authority of District Revenue Office, Chennai-600 001 to the Sub-Registrar, Purasawalkam for the acknowledgement of the FDR receipt.
Ex.P.11	-	Photocopy of the family card of the



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		petitioner.
Ex.P.12	21.03.2025	Downloaded copy of the Encumbrance Certificate.
Ex.P.13	-	Downloaded copy of the guideline value.
Ex.P.14	-	Certificate under Section 63(4)(c) of B.S.A for downloaded documents.

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