



O.P.No.619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.619 of 2024

Mrs.Gopalakrishnan Kumar Rama

... Petitioner

PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Order XXI Rule 2 & 3 of Original Side Rules praying

(i) to permit the petitioner to execute necessary deeds on behalf of the minor in favour of the builder namely Mr.S.Ramakrishnan, the Director of M/s.Harmony Residences Pvt., Ltd., having office at K.K.Nagar, Chennai-83, and thereby authorising the Builder to deal with the property morefully described in the schedule 'C' hereunder with regard to the minor's share of 25% of UDS on the 'A' schedule property i.e., 800 sq.ft., valued at Rs.44,00,000/-.

(ii) to permit the petitioner to deal with the property with third parties in respect of the property morefully described in the 'D' Schedule hereunder duly earmarked towards the share of the minor Mrs.Harsha Kumar aged 16 years. As per the guideline value of the property earmarked to the 25% undivided share on the property allotted to the minor i.e., 800 sq.ft., from out of 'A' schedule property valued at Rs.44,00,000/-

(iii) pass such further order.



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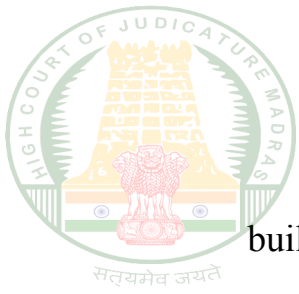
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For Petitioner : Mr.G.Ilamurugu

ORDER

By this petition, the mother and natural guardian of the minor, Harsha Kumar, seeks permission to deal with the minor's share of the property belonging to one Gopalakrishnan Kumar, who was married to the petitioner and begotten a minor child, Ms.Harsha Kumar. The said Gopalakrishnan Kumar died intestate on 06.04.2024 at Dubai(UAE) leaving behind his wife, the petitioner and minor girl child as his surviving legal heirs. The said legal heirs are entitled to 1/2 undivided share in the property.

2. The petitioner asserts that the above-mentioned property was settled by the father of the deceased in favour of the deceased in document No.1238 of 2005 dated 10.03.2005 retaining the life interest. Thereafter, the father of the deceased executed a release deed, releasing the life interest in favour of the deceased in document No.4712 of 2013 dated 29.07.2013. During the lifetime of the deceased, he was in peaceful possession and enjoyment of the said land. Further, he entered into Joint Development Agreement with one



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builder M/s. Harmony Residences Private Ltd for redevelopment on

27.01.2023. The planning permission and the plan approval was granted by the Greater Chennai Corporation. The deceased had executed General Power of Attorney on 27.01.2023 to sell 50% of UDS earmarked in favour of builder and registered as Document No.664 of 2023. As the said Gopalakrishnan Kumar died intestate on 06.04.2024, the legal heirs of him are entitled to 1/2 undivided share in the said property including the minor. Further, it is necessary to permit the petitioner to execute necessary deed on behalf of the minor and to deal with the property for the benefit of the minor girl.

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, 11 documents listed at the foot of this order were exhibited as Ex.P1 to P11. The birth certificate of Minor.Harsha Kumar has been marked as ExP2, discloses that she was born on 19.07.2008. The death certificate of the father of the minor as Ex.P7. The legal heir certificate of deceased as Ex.P8. As evidence of the title of late Gopalakrishnan Kumar, the certified copy of the settlement deed dated 10.03.2005 and the certified copy of the release



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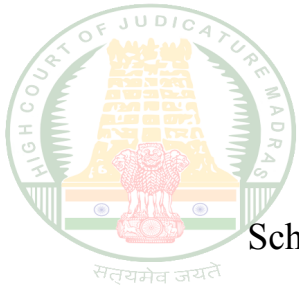
deed dated 29.07.2013 as Ex.P1 and Ex.P3. The Joint development and power of attorney executed by the deceased as Ex.P4 and Ex.P5.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

5. 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 execute necessary deeds on behalf of the minor in favour of the Builder namely Mr.S.Ramakrishnan, the Director of M/s. Harmony Residences Private Ltd. having office at K.K.Nagar, Chennai- 83 and thereby authorising the Builder to deal with the property morefully described in the schedule 'C' hereunder with regard to the minor's share of 25% of UDS on the 'A' schedule property i.e., 800 sq.ft. valued at Rs.44,00,000/-.

(ii)The petitioner is permitted to deal with the property with third parties in respect of the property morefully described in the 'D'



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Schedule hereunder duly earmarked towards the share of the minor

WEB COPMs. Harsha Kumar.

(iii) The sale proceeds to the share of Ms. Harsha Kumar shall be deposited in a fixed deposit of any Nationalised Bank which shall be renewed periodically till he 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

Speaking order: Yes/ No

Neutral Citations: Yes/ No



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Petitioner's witness:

WEB COPY P.W.1 - Mrs.Gopalakrishnan Kumar Rama

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the settlement deed dated 10.03.2005 executed in favour of the petitioner's husband Mr.G.Kumar (Witness states that the original of this document was handed over to the builder when entered into joint development agreement. This document is marked subject to its admissibility, proof and relevancy)
Ex.P2	Computer generated birth certificate of my Minor daughter K.Harsha
Ex.P3	Certified copy of the release deed dated 29.07.2013 executed in favour of Mr.G.Kumar (witness states that the original of this document was handed over to the builder when entered into joint development agreement. This document is marked subject to its admissibility, proof and relevancy).
Ex.P4	Photocopy of the Joint development agreement dated 27.01.2023, between Mr.G.Kumar as the first party and M/s.Harmony Residences Private Limited as the second party (Compared with the original)
Ex.P5	Certified copy of general power of attorney dated 27.01.2023 executed by Mr.G.Kumar in favour of Mr.S.Ramakrishnan (witness states that the original of this document was handed over to the builder when entered into joint development agreement. This document is marked subject to its admissibility, proof and relevancy)
Ex.P6	Computer generated building permission issued by Chennai Corporation dated 15.03.2023 in respect of the schedule mentioned property.
Ex.P7	Photocopy of the death certificate of Mr.Gopalakrishnan Kumar (Compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P8	Computer generated legal heir ship certificate of Mr.Gopalakrishnan Kumar
Ex.P9	Photocopy of PW-1's Aadhar Card (Compared with original)
Ex.P10	Online printout of guideline value of the schedule mentioned property.
Ex.P11	Certificate under Section 65B of the Indian Evidence Act, 1872.

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