



O.P. No.401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

**O.P. No.401 of 2025**

S.Vasanthi @ Vasanthi Sridhar

... Petitioner

**PRAYER:** Original Petition is filed under Section 8(2) of Hindu Minority and Guardianship Act 1956 and under Order XXI Rule 2 & 3 of O.S.Rules praying to permit the petitioner as natural guardian of Minors (i) S.Shreya aged about 16, (ii) S.Sainath, aged about 14 and (iii) S.Agatheswaran, aged about 6 to act on their behalf, in order to sell the schedule mentioned property for sale consideration of Rs.7 Lakhs and deposit the sale proceeds in the name of minors in any nationalized bank until they attain the age of majority.

For Petitioner : Mr. V.Balakrishnan



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## **ORDER**

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This petition has been filed under Section 8(2) of Hindu Minority and Guardianship Act 1956 and under Order XXI Rule 2 & 3 of O.S.Rules praying to permit the petitioner as natural guardian of Minors (i) S.Shreya aged about 16, (ii) S.Sainath, aged about 14 and (iii) S.Agatheswaran, aged about 6 to act on their behalf, in order to sell the schedule mentioned property for sale consideration of Rs.7 Lakhs and deposit the sale proceeds in the name of minors in any nationalized bank until they attain the age of majority.

2. According to the petitioner, she was married to one Mr.V.Sridhar and out of the wedlock, three children namely, (i) S.Shreya (ii) S.Sainath and (iii) S.Agatheswaran were born. The said Mr.V.Sridhar died intestate at Chennai on 10.09.2020, leaving behind the petitioner, viz., wife and children as his legal heirs. The petitioner had purchased the schedule mentioned property in the name of the above mentioned three minor children and built a



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house. The petitioner, in order to meet the educational expenses of the minor children and due to financial constraints and to take care of her family expenses, has decided to sell the schedule property. After the death of her husband, the petitioner is the only caretaker of her family and she is struggling economically to meet the day-to-day needs of the minor children and that she has no other source of income. For the welfare and benefit of her minor children, Guardianship certificate is necessary to sell the property mentioned in the schedule property. She has absolutely no adverse interest against her minor children. She is ready and undertakes to deposit some portion of sale consideration in the name of her minor children. The petitioner is a natural guardian of minor children, (i) S.Shreya (ii) S.Sainath, (iii) S.Agatheswaran. Therefore, the petitioner has filed this petition seeking permission to sell the schedule mentioned property worth about Rs.7,00,000/- and each minors are entitled to Rs.2,33,333/- and also to permit the petitioner to deposit the sale proceeds of minors' share in any 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.11 were marked.

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

5. As per the evidence of P.W.1 and the documents Ex.P.1. to Ex.P.11, they revealed that the petitioner and the deceased V.Sridhar are the husband and wife and they are the parents of (i) S.Shreya (ii) S.Sainath and (iii) S.Agatheswaran. Ex.P.3, Legal Heir Certificate, shows that the petitioner and her children are the legal heirs of the deceased V.Sridhar. The property was purchased by the petitioner as guardian for the minor children and they are each entitled to equal share over the property. The children are now under the 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

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of her children. Therefore, it is quite possible for the petitioner to find it difficult to maintain herself and the children. 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 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 children. Therefore, in the interest of minor children, 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 property described in the schedule, worth about Rs.7 lakhs.**

**(ii) The petitioner is permitted to deposit the share of the minor children sale consideration in the nationalized bank in the name of the minor children;**

**(iii) The petitioner is permitted to withdraw the interest amount**



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**periodically that accumulates over the deposited amount once in three months for the well being of the minor children.**

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

**(v) The minor children are 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  
ssd



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**APPENDIX:**

**List of Petitioner side Witnesses:**

PW1 : Mrs.S.Vasanthi @ Vasanthi Sridhar

**List of Petitioner side Documents:**

| <b>Exhibit No.</b> | <b>Date</b> | <b>Description of Documents.</b>                                                |
|--------------------|-------------|---------------------------------------------------------------------------------|
| Ex.P.1.            | 12.09.2019  | Photocopy of sale deed executed in favour of Mrs.S.Vasanthi Sridhar             |
| Ex.P.2             | -           | Computer generated death certificate of Mr.V.Sridhar                            |
| Ex.P.3             | -           | Computer generated legal heirship certificate of Mr.V.Sridhar                   |
| Ex.P.4.            | -           | Computer generated birth certificate of my minor daughter S.Shreya              |
| Ex.P.5             | -           | Computer generated birth certificate of petitioner's minor son, S.Sainath       |
| Ex.P.6             | -           | Computer generated birth certificate of petitioner's minor son, S.Agatheshwaran |
| Ex.P.7             | -           | Photocopy of petitioner's Aadhar card                                           |
| Ex.P.8             | -           | Photocopy of Aadhar Card of petitioner's minor daughter S.Shreya                |
| Ex.P.9             | -           | Photocopy of Aadhar Card of petitioner's minor son S.Sainath                    |
| Ex.P.10            | -           | Photocopy of Aadhar card of petitioner's minor son, S.Agatheshwaran             |
| Ex.P.11            |             | Certificate filed under Section 63(4) of BSA Act                                |

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