



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.07.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.588 of 2024

Mrs.Bhavika J Gandhi

...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 to a) permit the petitioner to sell the minor's share and to invest the amount of minor Shristi Jimesh Gandhi from and out of the sale consideration in fixed deposit in any nationalised bank till she attains majority and b) to permit the petitioner to receive interest once in three months from the deposit of the minor Shristi Jimesh Gandhi.

For Petitioner : Mr.Vikram U Jain

ORDER

By this petition, the mother and natural guardian of the minor, Shristi Jimesh Gandhi, seeks permission to deal with the minor's share of the property belonging to the petitioner and her husband Late.Jimesh C Gandhi, who was the father of the minor. Mr.Jimesh C Gandhi was married to the petitioner and begotten the minor Child Shristi Jimesh Gandhi. The father of the minor and husband of the petitioner died intestate on 14.02.2024 leaving

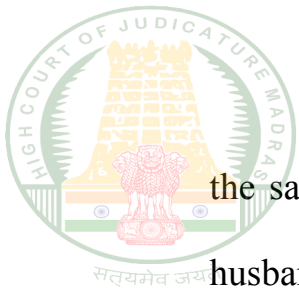


behind the petitioner, his wife, the minor and his mother.

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2. The petitioner asserts that the properties mentioned in the petition schedule were purchased by the petitioner and the husband of the petitioner under a sale deed document No.1217 of 2012 dated 30.03.2012. After the demise of the husband of the petitioner, the petitioner has 66.67% share, minor has 16.67% and the mother has 16.67% share in the above said property. In order to meet the educational expenses and the daily needs of the minor child, it is required to sell the properties mentioned in the petition schedule. The petitioner and minor represented by her natural guardian entered into an agreement of sale on 12.08.2024 for a sale consideration of Rs.41,40,000/- and advance of Rs.2,00,000/- was paid. The minor child is entitled to a sum of Rs.6,90,138/-. Hence, it is necessary to permit the sale of the shares of the Minor Shristi Jimesh Gandhi, i.e. 1/6th share in the property mentioned in the petition schedule for her benefit.

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 Ex.P11. As evidence of title the certified copy of



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the sale deed dated 30.03.2012 executed in favour of the petitioner and her husband as Ex.P1. The death certificate and legal heirship certificate of the husband of the petitioner as Ex.P4 and Ex.P5. The birth certificate of the minor child Shristi Jimesh Gandhi as Ex.P6, discloses that she was born on 26.05.2019. The photocopy of the Aadhar of the petitioner and minor as Ex.P8 and Ex.P9. The original agreement of sale dated 12/08/2024 as Ex.P10. The proposed purchaser has been examined as PW1 and deposed that the agreement of sale was entered and confirmed the share of the minor children.

4. 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 Shristi Jimesh Gandhi's share of 1/6th in the property more fully described in the schedule to the petition.

(ii) The sale proceeds to the share of the minor Shristi Jimesh Gandhi shall be deposited in a fixed deposit of any Nationalised Bank which shall be renewed periodically till she attains the age of majority.

(iii) The petitioner is permitted to receive interest once in three months from the deposit of the minor Shristi Jimesh Gandhi.

(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

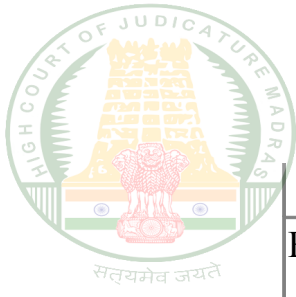
Petitioner's witness:

P.W.1 – Mrs.Bhavika J Gandhi

P.W.2 – Mr.Suresh L Kothari

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Certified copy of the sale deed dated 30.03.2012 executed in favour of Mr.Jimesh C Gandhi and P.W.1(Compared with the original)
Ex.P2	Photocopy of agreement of sale and construction dated 27.03.2012 entered between 1.M/s.Prince Foundations Ltd, 2.M/s.Goldwin Builders Pvt Ltd as 1 st parties and Mr.Jimesh C Gandhi and P.W.1 as 2 nd parties (Compared with the original)
Ex.P3	Photocopy of the supplemental agreement dated 27.03.2012 entered between 1.M/s.Prince Foundations Ltd, 2.M/s.Goldwin Builders Pvt Ltd as 1 st parties and Mr.Jimesh C Gandhi and P.W.1 as 2 nd parties (Compared with the original)
Ex.P4	Computer generated death certificate of Mr.Jimesh C Gandhi.
Ex.P5	Computer generated legal heir certificate of Mr.Jimesh C Gandhi.
Ex.P6	Computer generated birth certificate of P.W.1's minor daughter Ms.Shristi.
Ex.P7	Certificate under Section 65 B of the Indian Evidence Act,



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Ex.P8	Photocopy of Aadhar card of P.W.1(Compared with the original)
Ex.P9	Photocopy of Aadhar card of P.W.1's minor daughter Ms.Shristi Jimesh Gandhi.(Compared with the original)
Ex.P10	Original agreement of sale dated 12.08.2024 entered between Mrs.Bhavika J Gandhi and P.W.1's minor daughter Ms.Shristi Jimesh Gandhi represented P.W.1 as her natural guardian as 1 st party and Mr.Suresh L Kothari as 2 nd party.
Ex.P11	Original cheque for Rs.2 Lakh bearing No.000026 dated 09.08.2024, Bank of Baroda, Alagappa Road Branch, Puraswalkam, Chennai received by P.W.1 from the purchaser Mr.Suresh L Kothari.

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