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O.P.No.756 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

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

O.P.No.756 of 2024

Yusuf Jainuddin

...Petitioner

PRAYER: Original Petition filed under Sections 3, 7, 10 and 29 of the Guardians and Wards Act, 1890 read with ORDER XXI Rules 2 and Clause 17 of the Letters Patent, prays that this Hon'ble Court may be pleased to,

a) to appoint the petitioner herein as guardian of the person and property of the minor namely Abdul Afiq, son of the petitioner herein.

b) to grant permission to petitioner to sell the undivided 1/4th share of the schedule property of the minor Abdul Afiq and to execute and register the necessary conveyances.

c) to deposit the sale proceeds in the any nationalised bank.

d) to release 50% of the sale proceeds realised for the welfare of the minor.

e) and pass such further order or orders as this Hon'ble Court deems fit and proper based on the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.Abdul Wafiq.M



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ORDER

By this petition, the father and natural guardian of the minor, Abdul Afiq born on 16.08.2008, seeks permission to deal with the minor's share of the property belonging to one Late.Mrs.Halima Beevi who died on 27.05.2020, who was the mother of the petitioner and the grandmother of the above said Minor.Abdul.Afiq. The said Late.Mrs.Halima Beevi executed a settlement deed in favour of the petitioner and his legal heirs registered as the Document No.764/2003 dated 11.08.2003. The petitioners has three sons which includes the Minor.Abdul Afiq, as per the settlement deed dated 11.08.2003 the petitioner along with his legal heirs are entitled to 1/4th undivided share in the property .

2. The petitioner asserts that the above-mentioned property was originally owed by Late.Mrs.Halima Beevi. The said Late.Mrs.Halima Beevi executed a settlement deed where she has reserved her life interest and had settled the absolute rights in favour of the petitioner and his legal heirs, registered as the Document No.764/2003 dated 11.08.2003. The petitioners has three sons which includes the Minor.Abdul Afiq. After the death of

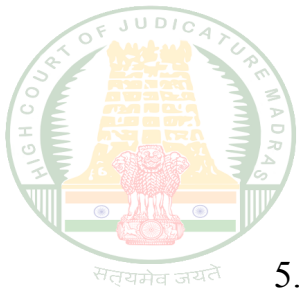


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Mrs.Halima Beevi on 27.05.2020 the petitioner and his three sons are entitled to the title of the schedule property by the virtue of the settlement deed dated 11.08.2003. The said minor.Abdul Afiq is entitled to an undivided share of 1/4th in the schedule property.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as PW1. In the course of the examination in chief of PW1, 6 documents listed at the foot of this order were exhibited as Ex.P1 to P6. The birth certificate of Minor.Abdul Afiq has been marked as ExP6, discloses that he was born on 16.08.2008. The original death certificate of Late.Mrs.Halima Beevi as Ex.P2. The Original Settlement deed executed by the Late.Mrs.Halima Beevi has been marked as Ex.P1. The aadhar card of the petitioner as Ex.P3. Photocopy of the identity card of the minor issued by the Republic of Singapore dated 11.08.2023.

4. On perusal of the Ex.P6 and Ex.P3 its clear that the petitioner is the father of the minor.Abdul Afiq. On Perusal of Ex.P1and Ex.P2 it can be asserted that the minor.Abdul Afiq is entitled to an undivided share of 1/4th in the schedule property.



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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 sell the minor. Abdul Afiq's share of property is more fully described in the schedule.
- (ii) the sale proceeds to the share of Abdul Afiq shall be deposited in any Nationalised Bank which shall be renewed periodically till he attains the age of majority.
- (iii) the petitioner is allowed to use 50% of the sale proceeds for the welfare of the said minor.
- (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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Note: Registry is directed to return all the original copy after obtaining the certified copies substituting the same at the cost of the petitioner.

Index :Yes/No

**Petitioner's witness:**

P.W.1 – Mr.Yusuf Jainuddin

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Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original settlement deed executed by Mrs.Halima Beevi vide Document No.764/2003 dated 11.08.2003.
Ex.P2	Original death certificate of Mrs.Halima Beevi dated 27.05.2020.
Ex.P3	Aadhar card of the petitioner.
Ex.P4	Identity card of the Minor issue by the Republic of Singapore dated 11.08.2023.
Ex.P5	Original engineers valuation report dated 12.08.2024.
Ex.P6	Original birth certificate of minor dated 18.08.2008.

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