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CMA No. 2355 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2355 of 2025

R.Dhuruvan

S/o. Ramachandran No. 5/19-D,
Korappanaickanpatti Village, Anandur
Post, Uthangarai Taluk, Krishnagiri
Dist.

Appellant(s)

Vs

Nil

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Sec.47 of Guardian and Wards Act, praying to allow this CMA by setting aside the fair and decreetal order made in G.W.O.P. No. 131/2024 dated 03.06.2025 on the file of the Principal District Judge at Krishnagiri

For Appellant: Mr. M.Subash



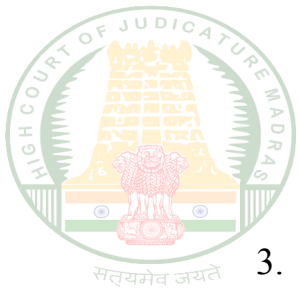
JUDGMENT

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The appellant herein filed an application under Sec.29 of Guardian and Wards Act, 1890 r/w Sec.8 of Hindu Minority and Guardianship Act, 1956 before the Principal District Judge, Krishnagiri praying to grant permission to sell the property as prescribed in the schedule comes around 25 cents with specific four boundaries for welfare of minor child.

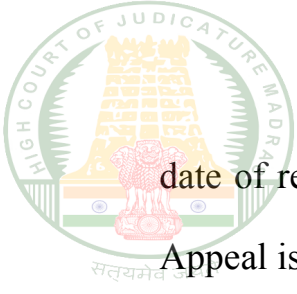
2. The learned trial judge, on perusal of records as well as evidence of father/petitioner, concludes that the reason assigned by the petitioner is not satisfied. Only for the welfare of minor child, the father of petitioner has gifted the property to the minor through Gift Settlement Deed. Therefore, the trial judge is not inclined to sell the property. Accordingly, the petition was dismissed. Challenging the said findings, now the appellant preferred this Civil Miscellaneous Appeal.

3. The learned counsel for appellant argues that minor son is studying 6th standard in M.G.M. Matriculation Higher Secondary School and to maintain his educational expenses and for the welfare of minor son, as he is doing agriculture and having no other source of income. Therefore, considering the welfare of minor child, he proposed to sell 25 cents of his land. Hence, he sought permission. If the permission is not granted, he will be put into much hardship.



3. On perusal of records, the fact reveals that grandfather of minor has settled the property in favour of minor through gift settlement deed dated 30.06.2021 two items in Survey No.105/2, an extent of 0.71 ½ cent and another Survey No.106/2 an extent of 0.46 ½ cents, totally 1 acre 18 cents gifted to the minor with unconditional gift. Now, father of minor child seeking permission to sell 25 cents in Survey No.106/2 in order to meet out educational expenses of minor child, who is studying 6th std., for which he has no means according to the petitioner.

4. Considering the said submissions as well as taking into consideration of welfare of minor child, this Court is inclined to grant permission to sell 25 cents as described in petition schedule with four boundaries, except that portion, the remaining extent of land in both Survey Nos. 105/2 and 106/2 not to be sold at any point of time till minor attained majority. So, except 25 cents, the petitioner has no right to sell remaining extent of land for the reason that the petitioner/father is also having small portion of land. To that effect, the condition imposed by this court is to be strictly incorporated in the sale deed at the time of execution. Accordingly, the impugned order passed by the trial judge in G.W.O.P.No. 131 of 2024 is set aside and after execution of sale deed, the petitioner is directed to submit the sale deed before the Principal District Judge, Krishnagiri in G.W.O.P.No.131 of 2024 within a period of eight weeks from the



date of receipt of copy of this judgment. In the result, this Civil Miscellaneous Appeal is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal District Judge, Krishnagiri.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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