



O.P.No.754 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 22.01.2025

Pronounced on : 29.01.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.754 of 2024

M.Vengadeshan

... Petitioner

Prayer: Original Petition has been filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 & 3 of Original Side Rules that pleased to permit the petitioner to sell both the minors' 1/6th share in schedule property and permit the sale proceeds of the petition mentioned property shall be deposited in a fixed deposit account established in a nationalized bank in the name of minors' or as per order of this Court.

For Petitioner : Mr.Devaraj Mahesh

ORDER

The Original Petition has been filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956, read with Order XXI Rule 2 & 3 of Original Side Rules, by the father, seeking to appoint him as the guardian of the minor children and permit him to sell the minors' share in the scheduled property.



O.P.No.754 of 2024

2. The petitioner, along with his wife Suganya, had jointly purchased the scheduled property through a sale deed dated 07.08.2014. The petitioner's wife died on 08.11.2022, leaving behind the petitioner and their two minor children. The property was purchased by availing a loan from ICICI bank and after the death of the co-owner, the petitioner seeks permission from this Court to sell the minors' shares in the scheduled property in order to clear the debts and utilize the balance amount for the welfare of the children.

3. According to the petitioner, the property proposed to be sold for Rs.37,00,000/-, out of which the outstanding loan amount of Rs.20,46,720/- will be paid to ICICI bank. The remaining amount of Rs.16,53,280/- is intended to be deposited in the names of the minor children.

4. The petitioner holds a 50% share of the property previously owned by his wife. Thus, the petitioner is entitled to 4/6 shares absolutely, while his two minor children are entitled to 1/6 share.

5. The petitioner was examined as PW.1. The following documents, marked as Ex.P1 to Ex.P.10.



O.P.No.754 of 2024

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Birth certificate of my minor elder daughter Vaishnavi Vengadeshan
Ex.P.2	Birth certificate of my minor younger daughter Vaishali Vengadeshan
Ex.P.3	Aadhar card of my minor elder daughter Vaishnavi Vengadeshan
Ex.P.4	Aadhaar card of my minor younger daughter Vaishali Vengadeshan
Ex.P.5	My Aadhaar card
Ex.P.6	Computer generated death certificate of Mrs.Suganya.C
Ex.P.7	Computer generated legal heirship certificate of Mrs.Suganya.C
Ex.P.8	Computer generated sale deed No.11257 of 2014 executed in favour of me and my wife Mrs.Suganya.C
Ex.P.9	The online printouts of encumbrance certificates in respect of the schedule mentioned property
Ex.P.10	Photocopy of ICICI bank loan details (Loan Nos.LBCHE00003612062, LBCHE00003612067)

6. The petitioner though has stated that the property is valued at Rs.37,00,000/-, there is no evidence to substantiate the identity of the prospective buyer or the exact value. Therefore, this Court, while permitting the petitioner to act as the guardian of the minor children to negotiate and sell the scheduled property, directs that before registration of the property, the petitioner shall seek permission from this Court. The sale proceeds shall first be utilized to discharge the housing loan jointly availed by the petitioner and his late wife Suganya. From the remaining amount, the petitioner is directed to deposit equal shares in the names of minor children, Vaishnavi and Vaishali in any of the nationalized bank. The petitioner shall be permitted to withdraw the interest portion alone once in six



O.P.No.754 of 2024

months and use it for the welfare of the minor children.

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7. Negotiations for the sale shall be completed within four months and the deposit of the sale proceeds as directed above, shall be made within 15 days from the receipt of sale proceeds.

8. With the above directions, this *Original Petition stands disposed of*.

29.01.2025

Index: Yes/No.

Internet : Yes/No.

rpl

Petitioner's witness:

P.W.1 –M.Vengadeshan

Documents marked:

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O.P.No.754 of 2024

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29.01.2025



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O.P.No.754 of 2024

Dr.G.JAYACHANDRAN, J.

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delivery order made in
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