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O.P.No.750 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2025**

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

O.P.No.750 of 2024

Mrs.Premalatha

...Petitioner

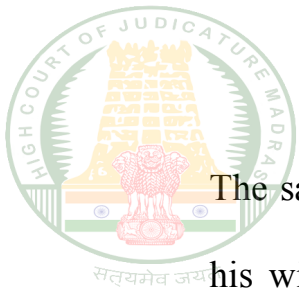
PRAYER: Original Petition filed under Section 8(2) of the Hindu Minority and Guardianship Act, 1956 read with and Order XXI, Rule 12 of the High Court Original Side Rules, prayed;-

1. That the petitioner be permitted to sell the $\frac{1}{2}$ share of the Minor Selvi.S.Akshya in the schedule mentioned property through the petitioner along with the other co-sharers for the benefit and welfare of the minor, or
2. To permit the petitioner to deposit the Sale proceeds in the name of Minor, in any Nationalized Bank, until she attains the age of majority.
3. For such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.V.Manohar

ORDER

By this petition, the mother and natural guardian of the minor, Selvi.S.Akshya, seeks permission to deal with the minor's share of the property belonging to one Late.Mr.R.Senniappan, who was married to the petitioner and had begotten the said minor Selvi.S.Akshya as his daughter.



The said Late.Mr.R.Senniappan died intestate on 20.08.2023 leaving behind his wife, the petitioner and his minor daughter Selvi.S.Akshya as the only legal heirs.

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2. The petitioner asserts that her husband Late.Mr.R.Senniappan in partnership with one Mr.N.Adhibahavan had purchased a vacant land *vide* two separate Sale Deeds registered as Document No.174 of 2004 dated 09.06.2004 executed in favour of Late.Mr.R.Senniappan and Document No.173 of 2004 dated 09.06.2004 executed in favor of Mr.N.Adhibahavan, upon which the said property mentioned in the schedule of the petition was constructed. The said Late.Mr.R.Senniappan died on 20.08.2023, leaving behind the petitioner and the minor Selvi.S.Akshya as his only legal heirs. The said legal heirs are entitled to 1/2th share each in the property mentioned schedule of the petition. Further, the petitioner along with her daughter minor Selvi.S.Akshya represented by the petitioner herself entered into a sale Agreement in respect of the subject property with one Mr.T.Balachandran for a sale consideration of Rs.32,00,000/-. Therefore it is necessary to permit the sale of the share of the Minor Selvi.S.Akshya for her benefit.



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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, 10 documents listed at the foot of this order were exhibited as Ex.P1 to P10. The birth certificate of Minor.Selvi.S.Akshya has been marked as Ex.P2, which discloses that she was born on 09.11.2009. The computer generated death certificate of Late.Mr.R.Senniappan, the father of the minor has been marked as Ex.P6. As an evidence to corroborate the title of late Mr.R.Senniappan, the registered Sale Deed dated 09.06.2004 has been marked as Ex.P12. The agreement of sale entered between the petitioner and T.Balachandran dated 17.09.2024 has been marked as Ex.P9. The legal heir certificate of Late.Mr.R.Senniappan is marked as Ex.P7, which proves that the petitioner and the minor Selvi.S.Akshya are his only legal heirs. The Ex.P7 further establishes that the petitioner is the mother of the minor Selvi.S.Akshya. A general paper publication has been made and no objections have been received for the same.

4. The petitioner has examined Mr.T.Balachandran as PW2, the intending purchaser who has entered into a Deed of Sale Agreement with the petitioner dated 17.08.2024.



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5. Mr.Adhibahavan has been examined as a third party who has made his deposition and marked the documents, the photocopy of the Agreement for Sale of proportionate undivided interest land and construction of a office in favour him has been marked as Ex.P11 and the photocopy of the Sale Deed dated 09.06.2004 registered as Document No.173 of 2004 executed in favour of him has been marked as Ex.P12.

6. 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.

Selvi.S.Akshya's 1/2th share of property is more fully described in the schedule of the petition.

(ii) The sale proceeds to the share of the minor.

Selvi.S.Akshya shall be deposited in any Nationalised Bank, until she attains the age of majority.



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(iii) 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:

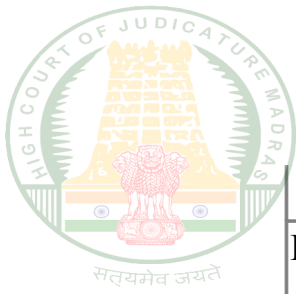
P.W.1 – Mrs.Premalatha

P.W.2 – Mr.T.Balachandran

P.W.3 – Mr.Adhibahavan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed dated 09.06.2004 executed in favour of Mr.R.Senniappan (Compared with the original)
Ex.P2	Computer generated birth certificate of minor daughter S.Akshya.
Ex.P3	Photocopy of the Aadhaar card of minor daughter S.Akshya(Compared with the original)
Ex.P4	Photocopy of Aadhaar Card (Compared with the original)
Ex.P5	Photocopy of Family Card (Compared with the original)
Ex.P6	Computer generated death certificate of Mr.R.Senniappan.(Compared with the original)
Ex.P7	Computer generated legal heir ship certificate of Mr.R.Senniappan.(Compared with the original)
Ex.P8	Original bonafide certificate of minor daughter



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	S.Akshya.(Compared with the original)
Ex.P9	Photocopy of the sale agreement dated 17.09.2024 entered into between P.W.1 and Mr.T.Balachandran (Compared with the original)
Ex.P10	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Photocopy of the agreement for sale of proportionate undivided interest in land and construction of a office. (Compared with the original)
Ex.P12	Photocopy of the sale deed dated 09.06.2004.(Compared with the original)

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