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O.P.No.867 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.03.2025**

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

O.P.No.867 of 2024

Anand Venkatraman

...Petitioner

VS.

Nil

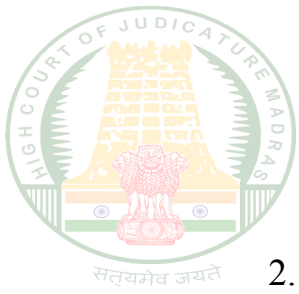
...Respondent

PRAYER: Original Petition filed under Section 8 (2) of the Hindu Minority and Guardianship Act 1956 read with Order XXI Rule 2 & 3 of Original Side Rules, praying that this Hon'ble Court may be pleased to grant permission to sell the minors' share of property morefully described in the schedule and to invest the minors' share in any Nationalized Bank till they attain majority.

For Petitioner : Mr.S.Jaganathan

**ORDER**

By this petition, the father and natural guardian of the minors Akshaya Anand and Dhruv Anand, seeks permission to deal with the minors share of the property belonging to one late Mrs.R.Dharmambal which she acquired through the settlement deed dated 12.12.1960 executed in her favour by her husband late.Mr.S.K.Rajagopalan. The late Mrs.R.Dharmambal was the maternal grandmother to the petitioner. She executed a will dated 04.08.1988 reserving the life interest in the schedule property to her adopted daughter Mrs.Nandini (the petitioner's mother), her son-in-law Mr.K.S.Venkatraman and her grandkids Mrs.Vijayalakshmi and the petitioner. According to the above said Will the property was bequeathed absolutely in favour of the heirs of Mrs.Vijayalakshmi and petitioner for them to enjoy the same absolutely after the life time of the life interest beneficiaries. The above said minors Akshaya Anand and Dhruv Anand are entitled to $\frac{1}{2}$ undivided share over the schedule property, the children of Mrs.Vijayalakshmi, Mr. Anurag Arasan and Mr.Ashwath Raj Arasan who are majors are entitled to the another half of the undivided share over the schedule property.

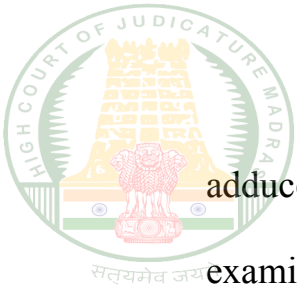


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2. The petitioner asserts that representing the minors, the petitioner and the children of Mrs.Vijayalaksmi have entered into a Sale Agreement dated 05.09.2024 with one J.P.Vasanth Kumar marked as Ex.P5, to sell the schedule property wholly for a sale consideration of Rs.2,85,00,000/- (Rupees Two Crores Eighty Five Lakhs only). The petitioner further claims that the above said Minor.Akshaya Anand and Minor.Dhruv Anand are entitled to $\frac{1}{2}$ undivided share over the schedule property, which amounts to the approximate value of Rs.1,42,50,000/- (Rupees One Crore Forty Two Lakhs Fifty Thousand only).

3. On perusal of the photocopies of the birth certificates of the minors Ex.P3 and Ex.P4, upon comparing the same with the photocopy of the Aadhar Card of the petitioner marked as Ex.P13 it can be asserted that the petitioner is the father of the above said minors.

4. In order to establish entitlement to the relief claimed, the petitioner



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adduced evidence by examining himself as PW1. In the course of the examination in chief of PW1, 13 documents listed at the foot of this order were exhibited as Ex.P1 to P13. The photocopies of the birth certificate of Minor.Akshaya Anand and Minor. Dhruv Anand has been marked as ExP3 and Ex.P4, which discloses that Minor.Akshaya Anand and Minor. Dhruv Anand was born on 08.09.2008 and 30.10.2010 respectively. The photocopy of the Settlement Deed dated 12.12.1960 executed in favour of Mrs.R.Dharmambal marked as Ex.P1 and the photocopy of the probate order dated 07.06.2019 of the will by late.Mrs.R.Dharmambal marked as Ex.P2. The Bonafide certificates issued by the educational institutions in which the above said minors pursue their academics marked as Ex.P6 and Ex.P7. The photocopy of Aadhar cards of the minors marked as Ex.P11 and Ex.P12. The Proposed purchaser Mr.J.P.Vasantha Kumar whose evidence is marked as PW2.

5. Based on the evidence adduced by the petitioner, the petitioner is entitled to the relief claimed on the following terms:



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(i) The petitioner is permitted to sell the Minor.Akshaya Anand and Minor. Dhruv Anand shares of property is more fully described in the schedule.

(ii) The sale proceeds to the share of Minor.Akshaya Anand and Minor. Dhruv Anand shall be used for the welfare of the minors and shall be invested /deposited in any Nationalised Bank which shall be renewed periodically till they attain the age of majority.

(iii) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the investment and 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 – Mr.Anand Venkatraman

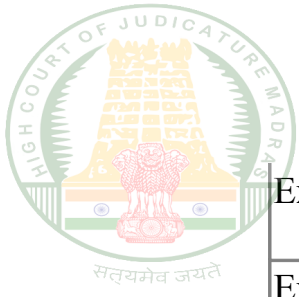
P.W.2 – Mr.J.P.Vasanth Kumar



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Photocopy of the registered Settlement Deed dated 12.12.1960 executed in favour of Mrs. R. Dharmambal.(Compared with the original)
Ex.P2	Photocopy of the probate order passed by Hon'ble High Court on 07.06.2019 in OP No.367 of 2018.(Compared with the original)
Ex.P3	Photocopy of the Birth certificate of my minor daughter Akshaya Mathangi Anand.(Compared with the original)
Ex.P4	Photocopy of the Birth certificate of minor son Dhruv Vallabh Anand.(Compared with the original)
Ex.P5	Photocopy of the unregistered sale agreement dated 05.09.2024.(Compared with the original)
Ex.P6	Original Bonafide certificate of my minor son Dhruv Anand dated 16.09.2024 issued by Jain Heritage School, Bangalore stating that he is a student of the aforesaid school for the academic year 2024-25.
Ex.P7	Original Bonafide certificate of my minor daughter Akshaya Anand dated 02.01.2025 ssued by National Academy for Learning, Bangalore, stating that she is a student of the aforesaid school for the academic year 2024-25.
Ex.P8	Computer-generated encumbrance certificate dated 30.07.2024 for the period 28.07.1983 to 22.02.2024.
Ex.P9	Computer-generated guideline value of the property dated 07.12.2024.
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.



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Ex.P11	Photocopy of the Aadhar Card of my minor daughter Akshaya Anand.(Compared with the original)
Ex.P12	Photocopy of the Aadhar Card of my minor son Dhruv Anand.(Compared with the original)
Ex.P13	Photocopy of my Aadhar card.(Compared with the original)

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K.KUMARESH BABU, J.



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