



WEB COPY



O.P.No.93 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.08.2025**

CORAM

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

O.P.No.93 of 2025

P.Thaiyal Nayagi

...Petitioner

PRAYER: Original Petition filed under Sections 3, 7 to 10 and 29 of the Guardian and Wards Act, 1890 read with XXI Rule 2 and 3 of the Original Side Rules praying

1)The petitioner herein Mrs.P.Thaiyal Nayagi, Wife of Late Pandurangan may be appointed as the guardian of the person and property of the minor children viz., V.Gokul and V.Bharath

2)The petitioner may be permitted to execute a sale deed for the share of the minors viz., V.Gokul and V.Bharath as per the Schedule "B" property mentioned herein.

3)That the petitioner may be permitted to deposit the sale proceeds in the name of the minors viz., V.Gokul and V.Bharath with any nationalized bank.

4)The petitioner may be permitted to withdraw the interest from the above deposit which the petitioner undertakes to spend for the betterment of the minors viz., V.Gokul and V.Bharath.

For Petitioner : Ms.A.Yamuna



O.P.No.93 of 2025

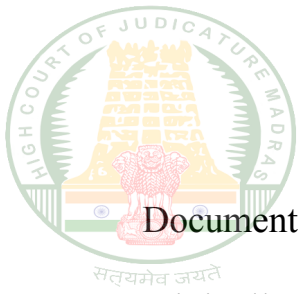
ORDER

WEB COPY

By this petition, the paternal grandmother of the minors, Master.V.Gokul and Master.V.Bharath seeks to be appointed as the guardian of the person and property of the minors and seeks permission to deal with the minors share in the property belonging to one Late.Mr.Pandurangan, who is the paternal grandfather of the minors.

2. The petitioner submits that she was married to one Mr.Pandurangan and had begotten six children out of the said wedlock. The petitioner submits that one of her sons, Mr.P.Venkatesan got married to one Mrs.V.Ambika and the couple had begotten the above said minors Master.V.Gokul and Master.V.Bharath as their children. The father of the minors Mr.P.Venkatesan died on 25.01.2014 leaving behind his wife, his mother who is the petitioner and his minor children as his only legal heirs. Subsequently the mother of the minors had died on 08.08.2016, leaving behind the petitioner and the minors Master.V.Gokul and Master.V.Bharath as the only legal heirs of Late.Mr.P.Venkatesan.

3. The petitioner further submits that her husband Mr.Pandurangan and herself are the absolute owners of the immovable property mentioned Schedule 'A' of the petition vide two Sale Deeds both dated 06.03.2007 and registered as

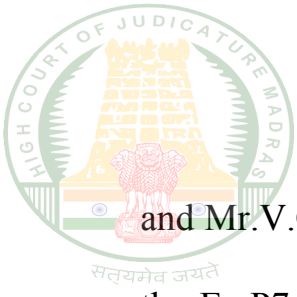


Document Nos.729 and 730 of 2007, the property which was built upon the plot originally allocated to them by the Tamilnadu Slum Clearance Board. The aforesaid Late.Mr.Pandurangan died on 07.04.2023 survived by his legal heirs, his wife who is the petitioner herein, his five sons and the legal heirs of his predeceased son Late.Mr.P.Venkatesan. The petitioner asserts that as the predeceased son of the Late.Mr.Pandurangan, the said Late.Mr.P.Venkatesan, who is the father of the minors herein was entitled to 1/7th undivided share in half share of the Schedule 'A' property. Upon the demise of Late.Mr.P.Venkatesan his legal heirs, namely the petitioner along with both the minors Master.V.Gokul and Master.V.Bharath are entitled to succeed 1/3rd share each from his afore said share in the immovable property. Both the minors share from the immovable property mentioned in the Schedule 'A' has been described morefully in the Schedule 'B' of the petition. The petitioner submits that one of her other sons Mr.P.Arumugam had entered into a Sale Agreement dated 18.09.2024 with her, agreeing to purchase the schedule 'B' property for a Sale consideration for Rs.2,74,000/- and had paid an a sum of Rs.10,000/- as an advance. It is necessary to permit the sale of the share of the Minors Master.V.Gokul and Master.V.Bharath for their benefit. Therefore the petitioner prays to appointed as the guardian of the person and properties of both the minors Minors Master.V.Gokul and Master.V.Bharath.



WEB COPY

4. 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, 18 documents listed at the foot of this order were exhibited as Ex.P1 to P18. As evidence for the title of the immovable property held by Late.Mr.Pandurangan and the petitioner the photocopies of the Sale Deeds dated 06.03.2007, registered as Doc.No.739 of 2007 and Doc.No.740 of 2007 has been marked as Ex.P1 and Ex.P2 respectively. The photocopy of the death certificates of the Late.Mr.Pandurangan, Late.Mr.Venkatesan and Late.Mrs.V.Ambika has been marked as Ex.P4, Ex.P6 and Ex.P8 respectively. The photocopy of the legal heirship certificate of Late.Mr.Pandurangan and Late.Mr.Venkatesan has been marked as Ex.P5 and Ex.P7 respectively. The photocopy of the birth certificate of the minor Master.V.Bharath has been marked as Ex.P10, which shows that the said minor was born on 20.08.2010. The photocopy of the Secondary school leaving certificate of Minor.Master.V.Gokul has been marked as Ex.P9 and the perusal of the same shows that the date of birth of the said minor is reflected as 11.08.2007, which clearly substantiates that as of this order date the said minor Master.V.Gokul has attained the majority and he is no longer a minor. The perusal of the Ex.P5 and Ex.P7 clearly substantiates the claims made in the petition; the Ex.P5 proves that the Late.Mr.P.Venkatesan father of minor Master.V.Bharath



and Mr.V.Gokul is the predeceased son of Late.Mr.Pandurangan and subsequently the Ex.P7 clearly shows that the petitioner and the said minor Master.V.Bharath and Mr.V.Gokul are the sole legal heirs of the Late.Mr.P.Venkatesan who are entitled to his share in the immovable property mentioned in the Schedule 'A' of the petition. The agreement of sale entered between the petitioner and one of her sons Mr.P.Arumugam has been marked as Ex.P3.

5. This court has considered the depositions made and the oral as well as the documentary evidences adduced by the petitioner. From documents placed on record, it is evident that as of date of this order the 1st minor, Master.V.Gokul has attained the age of majority and he is no longer a minor. Therefore the relief sought by the petitioner through this original petition can be granted only in favour of the 2nd minor, Master.V.Bharath on the following terms:

- (i) The petitioner is appointed as the guardian of the person and property of the 2nd minor, Master.V.Bharath alone.
- (ii) The petitioner is permitted to execute a Sale Deed for the minor.Master.V.Bharath's share of property i.e., $\frac{1}{2}$ of the share immovable property described in the schedule 'B'.
- (iii) The sale proceeds to the share of minor Master.V.Bharath shall be deposited in a fixed deposit in the minor's name in any Nationalized Bank



O.P.No.93 of 2025

which shall be renewed periodically till he attains the age of majority.

(iv) The petitioner is permitted to withdraw the interest from the above deposit and expend the same for the welfare and betterment of the minor Master.V.Bharath.

(v) 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.

13.08.2025

dsa

Index :Yes/No

Petitioners' witness:

P.W.1 – Mrs.P.Thaiyal Nayagi

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed in Doc.No.739 of 2007 dated 06.03.2007. (Compared with original)
Ex.P2	Photocopy of the Sale Deed in Doc No.740 of 2007 dated 06.03.2007. (Compared with original)
Ex.P3	Photocopy of the Agreement for Sale dated 18.09.2024. (Compared with original)



O.P.No.93 of 2025

Ex.P4	Photocopy of the Death Certificate of Mr.A.Pandurangan dated 21.04.2023. (Compared with original)
Ex.P5	Photocopy of the Legalheirship Certificate of Mr.Pandurangan dated 29.07.2024. (Compared with original)
Ex.P6	Photocopy of the Death Certificate of Mr.Venkatesan dated 09.07.2024.
Ex.P7	Photocopy of the Legal hiership certificate of Mr.Venkatesan dated 16.08.2024.
Ex.P8	Photocopy of the Death Certificate of Mrs.V.Ambika dated 30.09.2016.
Ex.P9	Photocopy of the School certificate of Minor Master V.Gokul.
Ex.P10	Photocopy of the Birth Certificate of Minor Master V.Bharath dated 18.09.2020.
Ex.P11	Photocopy of the Aadhaar Card of Minor Master V.Gokul. (Compared with original)
Ex.P12	Photocopy of the Aadhaar Card of Minor Master V.Bharath. (Compared with original)
Ex.P13	Photocopy of the Adhaar card of the petitioner. (Compared with original)
Ex.P14	Photocopy of the Guideline Value of the property.
Ex.P15	Series of photocopies of the Encumbrance Certificate for the property dated 06.09.2024 for the period of 01.01.1987 to 31.10.1996.
Ex.P16	Photocopy of the Valuation Report of the property. (Compared with original)
Ex.P17	Series of Consent Affidavit of Co-sharers.
Ex.P18	Copies of the Paper Publication effected in English Daily Southern Mail and Tami Daily Dinaboomi dated 22.03.2025.

13.08.2025

dsa



WEB COPY



O.P.No.93 of 2025

K.KUMARESH BABU, J.

dsa

O.P.No.93 of 2025

13.08.2025