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O.P.No.207 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.08.2025**

CORAM

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

O.P.No.207 of 2025

Akshaya Srinivash

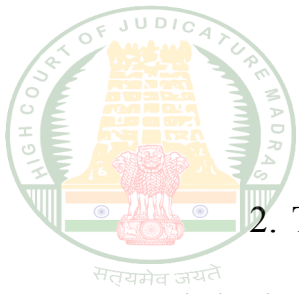
...Petitioner

PRAYER: Original Petition filed under Section 8(2) of Hindu Minority and Guardianship Act, 1956 read with Order XXI Rule 2 and 3 of the Original Side Rules praying to permit the petitioner herein as natural guardian to sign deeds necessitated to Develop the Minor's share in the property, allow the petitioner to develop the minor's 2/3rd share (2/12th share) in the 1/4th share in the petition property and allow the petitioner to retain one Flat bearing Flat No.F2, First Floor, 336 Sq.ft. of undivided share of land out of total extent of 2205 sq.ft. and 824 sq.ft. of built up area in respect of minors share including the petitioner.

For Petitioner : Mr.B.Namasivayam

ORDER

By this petition, the mother and natural guardian of the minors, Master.R.Varun and Master.R.Varapradhan, seeks permission to deal with the both the minors share of the property belonging to one Late.Mr.Ramprasad Lakshmi Narasimhan, who is the paternal grandfather of the minors.



2. The petitioner submits that she had got married to one Mr.Ramprasad

Lakshmi Narasimhan and had begotten the above said minors as her children out of her wedlock. The petitioner further submits that her husband Mr.Ramprasad Lakshmi Narasimhan was the youngest son of Mr.Lakshmi Narasimhan and Mrs.L.Vanaja, the couple had three sons including the petitioner's husband, namely Mr.L.Malolarangan, Mr.L.Narayana. The petitioner asserts that her father-in-law absolutely owned the immovable property mentioned in the schedule of the petition by the virtue of the Sale Deed dated 08.04.1988. The petitioner submits that her father-in-law Mr.Lakshmi Narasimhan died on 24.06.2018, leaving behind his wife and his three sons as his only legal heirs. Subsequently the Mr.Ramprasad Lakshmi Narasimhan who is the youngest son of Late.Mr.Lakshmi Narasimhan and the husband of the petitioner died on 26.02.2023, leaving behind his wife, the petitioner herein and his two minor sons Master.R.Varun and Master.R.Varapradhan as his only legal heirs. The petitioner contends that the legal heirs of Late.Mr.Lakshmi Narasimhan are entitled to 1/4th each in the above said immovable property. She further contends that as the one of the above said legal heirs of Late.Mr.Lakshmi Narasimhan, her husband Late.Mr.Ramprasad Lakshmi Narasimhan became entitled to 1/4th share of the immovable property. Upon his demise, his 1/4th share in the immovable property devolves upon his legal heirs namely the petitioner and the above said minors Master.R.Varun and



O.P.No.207 of 2025

Master.R.Varapradhan. Accordingly the aforesaid legal heirs of

Late.Mr.Ramprasad Lakshmi Narasimhan are entitled to 1/12th share each, whereas the both the minors shares combined together equates to 2/12th shares in the immovable property.

3. The petitioner further submits that she along with the other legal heirs of the Late.Mr.Lakshmi Narasimhan has entered into a Joint Venture Agreement dated 13.02.2024 for the development of the schedule mentioned property with one M/s.Yogham Foundation for a total Sale price of Rs.80,00,000/- from which both the minors share approximately amounts to Rs.20,00,000/-. In accordance with the afore said Joint Venture Agreement the petitioner along with the minors are entitled to retain one Flat bearing Flat No.F2, First Floor, 336 sq.ft., of Undivided share of land out of total extent of 2205 sq.ft., and with a 824 sq.ft., of built up area. Therefore the petitioner prays that it is necessary to permit the sale of the shares of the Minors, Master.R.Varun and Master.R.Varapradhan in the immovable property for their benefit and welfare.

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, 14 documents listed at the foot of this order were exhibited as



Ex.P1 to P14. The online copy of the birth certificates of the minors

Master.R.Varun and Master.R.Varapradhan has been marked as Ex.P1 and Ex.P2.

As evidence of the title of Late.Mr.Lakshmi Narasimhan the photocopy of the registered Sale Deed dated 08.04.1988 has been marked as Ex.P3. The photocopy of the Joint Development Agreement dated 13.02.2024 has been marked as Ex.P4.

The online copy of the death certificate of Late.Mr.Lakshmi Narasimhan and his son Late.Mr.Ramprasad Lakshmi Narasimhan has been marked as Ex.P5 and Ex.P7 respectively. The online copies of the legal heirship certificates of the

Late.Mr.Lakshmi Narasimhan and his son Late.Mr.Ramprasad Lakshmi Narasimhan has been marked as Ex.P6 and Ex.P8. The perusal of Ex.P1 and Ex.P2 proves that the minors Master.R.Varun was born on 18.05.2018 and

Master.R.Varapradhan was born on 21.03.2022. The combined perusal of the Ex.P6 and Ex.P8 clearly substantiates the following claims made in the petition; the Ex.P6 proves that the husband of the petitioner Late.Mr.Ramprasad Lakshmi

Narasimhan is indeed a legal heir of Late.Mr.Lakshmi Narasimhan and he is entitled to 1/4th share in the immovable property owned by his father and the

Ex.P8 clearly proves that the petitioner and the minors Master.R.Varun and Master.R.Varapradhan are indeed the legal heirs of Late.Mr.Ramprasad Lakshmi

Narasimhan, and they are jointly entitled to his 1/4th share in the immovable property. The general paper publications are effected which are marked as Ex.P13

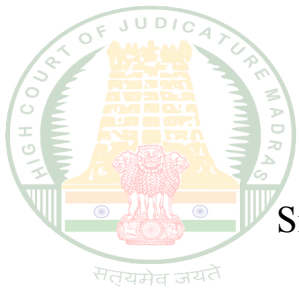


and Ex.P14 and no objections are received for the same.

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

- (i) The petitioner is appointed as the guardian of both person and property of the minor children
- (ii) The petitioner is permitted to sign deeds which are necessary to develop both the minors Master.R.Varun's and Master.R.Varapradhan's share in the property.
- (iii) The petitioner is allowed to retain one Flat bearing Flat No.F2, First Floor, 336 sq.ft, of undivided share of land out of total extent of 2205 sq.ft., and 824 sq.ft., of built up area in respect of minors share including the petitioner.
- (iv) The sale proceeds to the share of the minors Master.R.Varun and Master.R.Varapradhan shall be deposited in a fixed deposit in the name of the minors, in any Nationalized Bank which shall be renewed periodically till the minors attain the age of majority.
- (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



O.P.No.207 of 2025

Side-II) of this Court.

WEB COPY

12.08.2025

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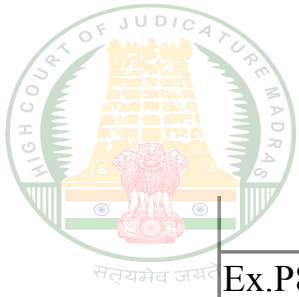
Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.Akshaya Srinivash

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Online copy of the Birth Certificate of Minor R.Varun dated 17.08.2021.
Ex.P2	Online copy of the Birth certificate of Minor R.Varapradhan dated 06.04.2022.
Ex.P3	Photcopy of the Sale Deed in favour of V.R.Lakshminarasimhan dated 08.04.1988 (Original produced, verified and returned)
Ex.P4	Photocopy of the Join Development Agreement dated 13.02.2024 (Original produced, verified and returned)
Ex.P5	Online copy of the Death Certificate of V.R.Lakshminarasimhan dated 15.07.2018.
Ex.P6	Online copy of the Legal Heir certificate of V.R.Lakshminarasimhan dated 06.12.2018.
Ex.P7	Online copy of the Death certificate of Ramprasad



O.P.No.207 of 2025

	Lakshminarasimhan dated 23.03.2023.
Ex.P8	Online copy of the Legal Heir certificate of Ramprasad Lakshminarasimhan dated 24.06.2023.
Ex.P9	Photocopy of the Aadhar card of Minor R.Varun (Original produced, verified and returned)
Ex.P10	Photocopy of the Aadhar card of Minor R.Varapradhan (Original produced, verified and returned)
Ex.P11	Photocopy of the Aadhar card of petitioner (Original produced, verified and returned)
Ex.P12	Original Declaration of Willingness executed by the petitioner.
Ex.P13	Paper publication in English daily "Trinity Mirror" dated 25.05.2025.
Ex.P14	Paper publication in Tamil daily "Makkal Kural" dated 25.05.2025.

12.08.2025

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WEB COPY



O.P.No.207 of 2025

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O.P.No.207 of 2025

12.08.2025