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OP No. 166 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 166 of 2025

R.Saranya W/o. Sivaraman,
No.3B, Perumal Koil Street,
Periyapuliyur, Puvalambedu,
Tiruvallur,
Tamil Nadu 601 206.

..Petitioner(s)

Vs

No Respondent

Nil

..Respondent(s)

PRAYER: This Original Petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Clause 17 of Letter Patent Act praying a) to permit the petitioner to sell 1/3rd share of the petition mentioned schedule properties of the minor Kuvira.S to meet out her needs b) to permit the petitioner to deposit minor's 1/3rd share amount of Rs.67,00,000/- in any of the Nationalized Bank in the minor's name Kuvira.S.

For Petitioner(s):

Kanimozhi Mathi



ORDER

This petition has been filed under Section 8(2) of the Hindu Minority and Guardianship Act read with Clause 17 of Letter Patent Act to permit the petitioner to sell 1/3rd share of the petition mentioned schedule properties of the minor Kuvira.S to meet out her needs and to permit the petitioner to deposit minor's 1/3rd share amount of Rs.67,00,000/- in any of the Nationalized Bank in the minor's name Kuvira.S.

2. According to the petitioner, the petitioner's husband namely S. Sivaraman died on 02.04.2020 leaving behind his wife, the petitioner herein, daughter Kuvira.S and his mother Naveneetham Sanmugam as his legal heirs. The petitioner's husband, during his life time, had purchased the Schedule mentioned A and B properties and was in absolute possession and enjoyment of the property. After the demise of said S. Sivaraman, his legal heirs viz., mother, wife, the petitioner herein and daughter Kuvira.S, are each entitled to 1/3 share in the above said schedule mentioned properties. During the life time of the deceased S. Sivaraman, he obtained several loans from many private parties. After the demise of her husband, the petitioner, being a Widow, finds difficult to maintain the properties and also to meet educational and other expenses of her daughter, who is studying XI Standard. Therefore, for the benefit and welfare of the child and to discharge the debts, it is necessary for the petitioner



to sell the properties. The petitioner is the mother and natural guardian of her minor daughter. The petitioner has also undertaken to invest the minor daughter's 1/3rd share in the sale proceeds into a Nationalized Bank. As per the valuation report dated 19.12.2024, the market value of the Schedule 'A' is Rs.42 lakhs and the market value of the Schedule 'B' is Rs.1,59,00,000/- and both properties valued together at Rs.2,01,00,000/-. After the demise of her husband, the minor daughter is under the care and custody of her mother, the petitioner herein. Therefore, the petitioner has filed this petition seeking permission to sell the minor daughter's 1/3rd share amount of Rs.67,00,000/- in the petition-mentioned properties and to deposit the same in a nationalized bank in the form of fixed deposit till the majority of the minor daughter.

3. After filing of this petition, paper publication was effected and no any objection from any party. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 to Ex.P.14 were marked.

4. This Court also perused the evidence and the entire records.

5. As per the evidence of PW1 and the documents Ex.P.1. to Ex.P.14, they revealed that the petitioner and the deceased S. Sivaraman are the husband and wife and they are the parents of the minor daughter namely Kuvira.S.



Ex.P.9 shows that the petitioner, her minor daughter and mother-in-law of the petitioner are the legal heirs of the deceased S. Sivaraman. PW1 deposed that the said S. Sivaraman, during his life time, had purchased the schedule mentioned properties and also he had borrowed loans from private parties in order to meet out his medical expenses. Therefore, in order to settle the said loan and for the welfare of the minor daughter, the petitioner seeks permission of this Court to sell the properties.

6. The minor daughter is now under the care and custody of the petitioner. The father of the minor daughter is no more and the petitioner being the mother, is the only care-taker of the minor child and she has no any adverse interest against the minor and she needs the minor's share in the sale proceeds of the property for the future expenses of the minor. Since the husband of the petitioner died, it is quite possible for the petitioner to find it difficult to maintain herself and the minor child. Therefore, she has decided to sell the petition mentioned property in order to settle the loan and to get minor's share in the sale proceeds for the future maintenance and interest of the minor child. Therefore, in view of the above, the petitioner is entitled to get permission to sell the 1/3rd share of her minor daughter Kuvira. S in the schedule properties 'A' and 'B' for the interest of the minor daughter.



7. With the above said observations, this **original petition is allowed on the following terms:**

(i) The petitioner is permitted to sell the 1/3rd share of the minor daughter Kuvira. S. in the properties described in the schedule.

(iii) The petitioner is permitted to deposit the minor daughter's sale consideration to the tune of Rs.67,00,000/- into a Nationalized bank and

(iii) Upon complying with the above directions, an affidavit of compliance shall be filed in the Registry.

(iv) The minor is granted leave to apply for release of the fixed deposit upon attaining the age of majority.

13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS

**APPENDIX:****List of Petitioner side Witnesses:**

PW1 : Mrs. R. Saranya

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	13.03.2000	Certified copy of the Sale Deed executed by Thiruburasundari to and in favour of Sivaraman vide Doc. No.345 / 2000.
Ex.P.2	-	Online copy of the Patta No.827 in the name of S. Sivaraman.
Ex.P.3	12.08.2004	Photocopy of the General Power of Attorney executed by Mr. P. Sundararaj to and in favour of Mr. V. Vasudevan vide Doc. No.1086 of 2004.
Ex.P.4.	05.11.2004	Photocopy of the Sale Deed executed by V. Vasudevan, Power Agent to and in favour of Mrs. Lalithambigai vide Doc. No.7303 of 2004.
Ex.P.5	13.09.2006	Certified copy of the Sale Deed executed by Mrs. Lalithambigai and others to and in favour of S. Sivaraman vide Doc. No.6902 of 2006.
Ex.P.6	-	Photocopy of the Patta No.11276 in the name of S. Sivaraman.
Ex.P.7	16.11.2008	Online copy of the Birth Certificate of Kuvira.S..
Ex.P.8	02.04.2020	Photocopy of the Death Certificate of S. Sivaraman.
Ex.P.9	14.07.2020	Photocopy of the Legal Heirs Certificate of S. Sivaraman.
Ex.P.10	-	Photocopy of the Aadhar Card of Navaneetham Sanmugam.
Ex.P.11	-	Photocopy of the Aadhar Card of the petitioner.



Ex.P.12	-	Photocopy of the Aadhar Card of Kuvira.S.
Ex.P.13	19.12.2024	Original Valuation Report – Schedule ‘A’ Property.
Ex.P.14	19.12.2024	Original Valuation Report – Schedule ‘B’ property.

13.02.2026



WEB COPY

OP No. 166 of 2



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MJS

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