



O.P. No. 657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

O.P. No. 657 of 2025

R.Chandrabai Jain
W/o.Late Ramesh Chandra Gulecha,
Door No.501/A, 5th Main Road,
M.K.B.Nagar, Vyasarpadi, Chennai - 600 039.

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

a) Appoint Mrs.Chandra Bai Jain, W/o.Late Ramesh Chandra Jain, the petitioner herein, as the guardian of the person and property of the two minor children i.e., (1) Jigyasha and (2) Ojesh Kumar Gulechha b) Permit the petitioner for operation of sale of two minor children holding 2/3 share each, of assets and liabilities morefully set out in schedule mentioned property herein under c) Permit the petitioner to deposit the sale proceeds in any nationalised bank in the name of two minor children and to receive interest and expend the same for the welfare of the two minor children.

For Petitioner(s): M/s.B.Prabhavathy

For Respondent(s): Nil



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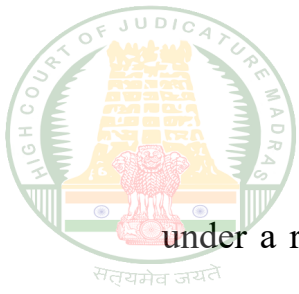
ORDER

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This Original Petition has been filed under Sections 7 to 10 and 29 of the Guardians and Wards Act, 1890, read with the Original Side Rules, seeking appointment of the petitioner as guardian of the person and property of the minor children, namely, A. Jigyasha aged about 14 years and Ojesh Kumar Gulechha aged about 12 years. The petitioner also seeks permission to sell the minors' 2/3 share in the schedule mentioned property and to deposit the sale proceeds in a nationalised bank for the welfare of the minors.

2. The petitioner, R. Chandrabai Jain, states that she is the paternal grandmother of the two minor children. According to her, the minors are the children of late Ajay Kumar Jain. She states that the mother of the minors, Devi, died on 04.05.2021 and that their father, Ajay Kumar Jain, died on 12.07.2024. After the death of both parents, the minors are stated to be living with the petitioner at Door No.501/A, 5th Main Road, M.K.B. Nagar, Vyasarpadi, Chennai.

3. The petitioner states that her husband, late H. Ramesh Chand Jain, had purchased the schedule mentioned property from the Tamil Nadu Housing Board



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under a registered sale deed dated 21.09.2007, registered as Document No.10623

of 2007 on the file of the Sub-Registrar Office, Thiruvottriyur. He died on 26.12.2021. His legal heirs were the petitioner, her sons Dinesh Kumar Jain, R.Sanjay Kumar, Ajay Kumar Jain, Vinod Kumar Jain and daughter G. Snehlatha.

4. The petitioner further states that after the death of H. Ramesh Chand Jain, his legal heirs executed a release deed dated 25.10.2023 in favour of Ajay Kumar Jain, registered as Document No.9074 of 2023. Therefore, according to the petitioner, Ajay Kumar Jain became entitled to the property.

5. It is further stated that after the death of Ajay Kumar Jain, his legal heirs are the petitioner as mother, and the two minor children, namely A. Jigyasha and Ojesh Kumar Gulechha. The petitioner therefore claims that she and the two minors are each entitled to 1/3 share in the schedule mentioned property.

6. The petitioner has pleaded that the total value of the property is Rs.65,34,000/-. The 2/3 share of the two minors is stated to be Rs.43,56,000/-. The petitioner has stated that prospective buyers approached her in August 2025 for purchase of the property. She has also stated that the sale would be useful for the



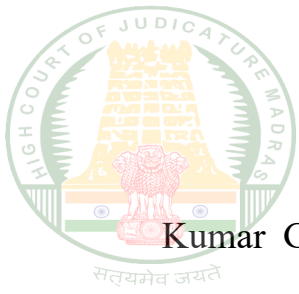
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welfare, education and maintenance of the minors and that the minors' share of sale

proceeds would be deposited in a nationalised bank.

7. There is no respondent in this Original Petition. General paper publication was ordered. Publication was effected in one issue of Tamil daily "Makkal Kural" and one issue of English daily "Trinity Mirror" on 02.01.2026. The learned Master recorded that service by paper publication was complete and that no objection was raised by any person. The petitioner examined herself as P.W.1 before the learned Master on 18.02.2026. She filed proof affidavit and marked Ex.P1 to Ex.P15.

8. Ex.P1 is the photocopy of the sale deed dated 21.09.2007 executed in favour of Ramesh Chand Jain. Ex.P2 is the birth certificate of minor A. Jigyasha. Ex.P3 is the birth certificate of minor Ojesh Kumar Gulechha. Ex.P4 is the death certificate of Devi, mother of the minors. Ex.P5 is the death certificate of Ramesh Chandra Gulecha. Ex.P6 is the legal heirship certificate of Ramesh Chandra Gulecha. Ex.P7 is the release deed dated 25.10.2023 executed in favour of Ajay Kumar Jain. Ex.P8 is the death certificate of Ajay Kumar Jain. Ex.P9 is the legal heirship certificate of Ajay Kumar Jain. Ex.P10 is the Aadhaar card of the petitioner. Ex.P11 is the Aadhaar card of minor Jigyasha. Ex.P12 is the Aadhaar card of minor Ojesh



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Kumar Gulechha. Ex.P13 is the original land valuation report issued by NRG

Construction. Ex.P14 series are the paper publications in Tamil and English newspapers. Ex.P15 is the certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

9. The petitioner has also filed a declaration of willingness to act as guardian. Considering the death of both parents of the minors, the relationship of the petitioner as paternal grandmother, the residence of the minors with the petitioner, and the absence of any objection after paper publication, documentary and oral evidence, this Court is satisfied that the petitioner may be appointed as guardian of the person and property of the two minors.

10. However, the main relief sought is not merely appointment as guardian. The petitioner also seeks permission to sell the 2/3 share of the minors in immovable property. In such matters, the Court must be fully satisfied that the proposed sale is necessary, beneficial to the minors and safe for protection of their property.

11. By adjudicatory order dated 08.06.2026, this Court considered the materials already produced. This Court recorded that the prayer for permission to sell the



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minors' 2/3 share required further consideration. The private valuation report

valued the property at Rs.65,34,000/- and the minors' 2/3 share at Rs.43,56,000/-.

However, this Court found that the petitioner had not placed particulars of any proposed purchaser, proposed sale consideration, draft sale agreement, encumbrance certificate, guideline value or any material to show that the proposed sale would fetch the best available price for the minors.

12. Therefore, by the adjudicatory order dated 08.06.2026, the petitioner was specifically directed to file an additional affidavit giving the name and full address of the proposed purchaser, proposed sale consideration for the whole property and for the minors' 2/3 share, current guideline value, recent encumbrance certificate, details of tax dues, electricity dues, loan, charge, litigation or other encumbrance, whether the proposed sale consideration is equal to or above the market and guideline value, draft sale agreement or offer letter, manner of deposit of the minors' shares, undertaking not to withdraw the principal amount without permission of Court, and undertaking that the sale deed would not be executed below the value approved by Court.



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13. The petitioner was also directed to produce a fresh valuation report from a competent valuer or government-approved valuer, if available, so that the Court could satisfy itself about the present market value. The matter was posted for filing of additional affidavit and supporting documents.

14. Thereafter, the learned counsel for the petitioner did not file the additional affidavit as directed by this Court. No affidavit has been filed giving the particulars called for in the adjudicatory order. No proposed purchaser has been disclosed. No proposed sale price has been stated on oath. No draft sale agreement or offer letter has been produced. No affidavit has been filed explaining whether there are tax arrears, electricity dues, loan, charge, litigation or other encumbrance. No undertaking affidavit has been filed for protection of the minors' sale proceeds.

15. The learned counsel for the petitioner submitted the additional typeset containing only copies of an encumbrance certificate and guideline value. Filing such typed set does not amount to compliance with the adjudicatory order. The Court had not merely asked for documents. The Court had specifically required an additional affidavit with particulars and undertakings, because the property belongs partly to minors and the proposed sale requires strict judicial scrutiny.



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16. In these circumstances, the petitioner is appointed as guardian of the persons of the minors, namely, A. Jigyasha and Ojesh Kumar Gulechha. Insofar as the prayer for appointment as guardian of the properties of the minors is concerned, the petition is dismissed, with liberty to the petitioner to file a necessary petition seeking leave of this Court to sell the property, as and when required.

17. Accordingly the original petition is partly allowed. No cost. Consequently, connected applications, if any, stand closed.

22-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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