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OP No. 655 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 655 of 2025

Selvarani W/o.Late Mr.Jaganadhan,

..Petitioner(s)

Vs

No Respondent

Nil

..Respondent(s)

PRAYER: The Original Petition has been filed under Section 8(2)(a) of Hindu Minority and Guardianship Act read with Order XXI Rule 2 and 3 of Original Side Rules praying to a) Grant permission to the petitioner, as the mother and natural guardian of minor children Master P.J.Nithish and Miss.P.J.Dharuna, to sell the minor children's 2/3rd undivided share in the property (for a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) as per sale agreement dated 07.04.2025 to in favour of Mr.Selvamani.T and Mrs.Eswari.S and b) to permit the petitioner to deposit the sale proceeds of the minors shares in any nationalised bank in the name of the minor children until they attain the age of majority and c) Permit the petitioner to withdraw the periodical interest accruing from the said deposits for the welfare, education, medical needs and general maintenance of the minor children.

For Petitioner(s): S.Kartik

**ORDER**

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This petition has been filed under Section 8(2)(a) of Hindu Minority and Guardianship Act read with Order XXI Rule 2 and 3 of Original Side Rules praying to a) Grant permission to the petitioner, as the mother and natural guardian of minor children Master P.J.Nithish and Miss.P.J.Dharuna, to sell the minor children's 2/3rd undivided share in the property (for a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) as per sale agreement dated 07.04.2025 to in favour of Mr.Selvamani.T and Mrs.Eswari.S and b) to permit the petitioner to deposit the sale proceeds of the minors shares in any nationalised bank in the name of the minor children until they attain the age of majority and c) Permit the petitioner to withdraw the periodical interest accruing from the said deposits for the welfare, education, medical needs and general maintenance of the minor children.

2. According to the petitioner, she is the wife of one Mr. Jaganadhan and due to their wedlock, children namely P.J. Nithish and P.J. Dharuna were born on 21.01.2009 and 19.09.2012 respectively and they are aged about 16 and 12 years studying 11th and 8th standards respectively. The mother-in-law of the petitioner namely Ms. Jayalakshmi settled the schedule mentioned house site in favour of the petitioner's husband through a Settlement Deed dated 11.03.2004. The petitioner's husband Mr. Jaganadhan died intestate on 07.08.2023 leaving



behind the petitioner and two minor children as his surviving legal heirs. The father of the deceased died on 08.05.2004 and the mother of the deceased died on 20.07.2024. Ever since from the settlement made by the mother-in-law of the petitioner in favour of the petitioner's husband Mr. Jaganadhan, they are in possession and enjoyment of the property. The said property consists of two floors. Except one portion in the 1st floor, where the petitioner and her children are now residing, the other portions in ground and second floors, have been leased out. The total lease amount aggregates to Rs.31,80,000/-. Except for the portion occupied by the petitioner and her minor children, all other portions have been leased out and therefore, no monthly rental income or other income is available to the petitioner. Therefore, the petitioner, as wife of the deceased and the two minor children are entitled to their respective shares in the said property.

2.1. The petitioner is the mother and natural guardian of her two minor children. The deceased was the sole breadwinner of her family. After the death of her husband, the petitioner found very difficult to maintain the minor children and to meet out their educational expenses and other expenses. Therefore, the petitioner has come forward to sell the petition-mentioned property along with the minors' 2/3rd share in the best interest of the minor children and she has executed a Sale Agreement dated 07.04.2025 in favour of the proposed purchaser namely Mr. Selvamani.T and Mrs. Eswari.S and the



total sale consideration is fixed at Rs.1,05,00,000/-. The petitioner has also undertaken to invest the minor children's 2/3 share of Rs.70,00,000/- into a Nationalized Bank. After the demise of her husband, the minor children are under the care and custody of their mother, the petitioner herein and she is fit and proper person to be a guardian of the minor children. Therefore, the petitioner has filed this petition seeking permission to sell the minor children's 2/3 share in the petition-mentioned property, to deposit the sale proceeds of the minor children in any nationalized bank in the name of the minor children, until they attain majority and also to withdraw the interest amount periodically accumulates over the deposited amount to spend the same for the well being of the minor children.

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.12 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.12, they revealed that the petitioner and the deceased Mr. Jaganadhan are the husband and wife and they are the parents of the minor children namely Master



P.J.Nithish and Miss.P.J.Dharuna. Ex.P.7 shows that the petitioner and the minor children are the legal heirs of the deceased Mr. Jaganadhan.P. As per the Settlement Deed dated 11.03.2004, the mother-in-law of the petitioner settled the petition mentioned property in favour of her son / deceased Mr. Jaganadhan.P, who is the husband of the petitioner herein and after the demise of said Mr. Jaganadhan, the petitioner and her two minor children are entitled to the said property, as the surviving legal heirs of Mr. Jaganadhan.P. The minor children are under the care and custody of the petitioner. The father of the minor children is no more and the petitioner being the mother, is the only care-taker of the minor children and she has no any adverse interest against the minor children. Since the husband of the petitioner died, it is quite possible for the petitioner to find it difficult to maintain herself and the minor children. Therefore, she has decided to sell the share of the minor children in the petition mentioned property in order to raise funds for the future maintenance and interest of the minor children. Therefore, in view of the above, the petitioner is entitled to sell the minor children's share in the property for the interest of the minor children.

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

(i) The petitioner is permitted to sell the 2/3 undivided share of the minor children namely P.J. Nithish and P.J. Dharuna in the property described in the schedule.



(ii) The petitioner is permitted to deposit the 2/3 undivided share of the minor children to the tune of Rs.70,00,000/- into a Nationalized bank and

(iii) The petitioner is permitted to withdraw the interest amount periodically that accumulates over the deposited amount for the well-being of the minor children.

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

(v) The minor children are granted leave to apply for release of the fixed deposit upon attaining the age of majority.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. J. Selvarani

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Photocopy of PW1's Aadhar Card.
Ex.P.2	-	Photocopy of the Aadhar Card of Mr.



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		Nithish.P.J.
Ex.P.3	-	Photocopy of the Aadhar Card of Ms. P.J. Dharuna.
Ex.P.4.	-	Computer generated Death Certificate of Mr. Jaganathan.P.
Ex.P.5	-	Computer generated Legal Heirship Certificate of Mr. Jaganadhan.P.
Ex.P.6	11.03.2004	Photocopy of the Gift-cum-Settlement Deed executed in favour of Mr. P. Jaganadhan.
Ex.P.7	07.08.2021	Photocopy of the Lease Agreement.
Ex.P.8	03.05.2023	Photocopy of the Lease Agreement.
Ex.P.9	07.04.2025	Photocopy of the Sale Agreement.
Ex.P.10	-	Computer generated Birth Certificate of P.J. Nithish.
Ex.P.11	-	Computer generated Birth Certificate of P.J. Dharuna.
Ex.P.12	-	Certificate under Section 63(4)(c) of B.S.A. for electronic documents.

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