



C.M.A.(MD)No.1161 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.01.2026

Pronounced on : 23.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.A.(MD)No.1161 of 2025

and

C.M.P(MD)Nos.17385 and 16335 of 2025

Rajapandi,
S/o.Pandi,
No.3/285, V.O.C.Street,
Seeman Nagar, Melamadai,
Madurai.

... Appellant/Petitioner

Vs.

1.Geetha Chellapandi,
W/o.Chellapandi,
D.No.5/606, Anandhavalli Illam,
Kalamman Kovil Street,
Madurai North,
Madurai.

2.Uma Maheswari,
D/o.Chellapandi,
D.No.5/606, Anandhavalli Illam,
Kalamman Kovil Street,
Madurai North,
Madurai.

... 1st & 2nd Respondents/
Respondents

3.R.Saravana Pandian,
S/o.Late Raja Poosari,
No.14, Chavady Street,
Managiri,
Madurai – 625 020.

... 3rd Respondent

*(Respondent No.3 is impleaded as per the order of this Court,
dated 17.11.2025 made in C.M.P(MD)No.18498 of 2025 in
C.M.A(MD)No.1161 of 2025)*



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PRAYER: Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, to set aside the judgment and decree, dated 30.07.2025 passed in HMGOP.No.34 of 2025 on the file of the 1st Additional District Court, Madurai and allow the Civil Miscellaneous Appeal and pass such further or other orders.

For Appellant : Mrs.J.Anandhavalli
For R1 & R2 : Mrs.K.R.Shiva Shankari
For R3 : Mr.B.Brijesh Kishore

JUDGMENT

This Civil Miscellaneous Appeal is filed against the fair and decretal order, dated 30.07.2025 passed in HMGOP.No.34 of 2025 on the file of the I Additional District Court, Madurai.

2. The brief facts of the case:

The appellant is the petitioner in HMGOP.No.34 of 2025 on the file of the I Additional District Court, Madurai. The second respondent is the wife of the appellant and the first respondent is the mother of the second respondent. Out of wedlock, the petitioner and the second respondent have a female child named Hasmitha. The first respondent, being the grandmother of minor Hasmitha, purchased the petition mentioned property in the name of minor Hasmitha on 16.11.2022. The value of petition mentioned property is



decreasing due to the circumstantial issues surrounding its vicinity.

Hence, the petitioner and the second respondent decided to sell the property for the welfare, education and interest of the minor Hasmitha and to deposit the sale consideration in the name of minor Hasmitha. Therefore, the petitioner has filed the petition under Sections 8 and 10 of the Hindu Guardianship Act seeking permission to sell the property. The respondents/grandmother and mother, have not raised any objection and filed 'No objection' memo through their counsel.

3. The petitioner has examined himself as P.W.1 and marked documents Ex.P.1 to Ex.P.4. The respondents have examined themselves as R.W.1 and R.W.2 and marked Ex.R.1 and Ex.R.2.

4. After perusing the records and hearing both sides, the Trial Court has dismissed the petition for the reason that the petitioner is earning Rs.45,000/-p.m. and owns ancestral property, that the first respondent also owns separate property and that the petitioner has not adduced evidence to show that the property value is depleting.

5. Aggrieved by the order of the Trial Court, the appellant/petitioner moved this Court by way of this Civil Miscellaneous Appeal.



6. Along with the Civil Miscellaneous Appeal, the appellant/petitioner has filed the petition in C.M.P(MD)No.17385 of 2025 to receive additional documents.

7. During pendency of the appeal, the intending purchaser has been impleaded as the third respondent.

8. Heard both side and perused the records in this Civil Miscellaneous Appeal.

9. The learned counsel appearing for the appellant/petitioner has argued that the minor Hasmitha is studying in a private school, for which they are in need of money for her education as well as her welfare. He further submitted that the value of the property is decreasing due to the prevailing circumstances thereat. To show the education expenses of the minor child, the appellant filed the fee receipts issued by the school. An affidavit of the intending purchaser is also filed. The respondents have no objection in selling the property for welfare of the minor child. The petitioner and the second respondent are living together and there is no adverse interest against the minor child. The learned counsel further argued that the trial Court itself put questions to the parties and dismissed the petition. The trial Court has not



properly considered the case of the petitioner, even has not considered the evidence of the respondents who deposed in their evidence as 'No objection'.

Therefore, the order of the trial Court has to be set aside.

10. On hearing both sides and on perusal of records, it is clear that the appellant/petitioner and the second respondent are spouses and out of wedlock the minor Hasmitha was born to them on 05.08.2016 as evidenced from Ex.P.4. Ex.P.1 has shown that the petition mentioned property was purchased by the first respondent in the name of minor Hasmitha. It is the case of the appellant/petitioner that her daughter is studying in a private school and he is incurring a huge amount towards her education. Though the trial Court has observed that as the petitioner and his wife have properties, they have to bear the education expenses, there is no material on record to support such a conclusion except oral questions put by the trial Court.

11. In this appeal, the appellant/petitioner has filed a petition to receive additional documents, such as copy of the school ID card and fee receipts for the minor child issued by Sri Chaithanya School, Kalikabban, Madurai, the guideline value of the property and undertaking affidavit filed by the intending purchaser. The respondents have not raised any objection. There is no material to show that the spouses are living separately, On perusal of the



same, the documents produced along with C.M.P(MD)No.17385 of 2025 have substantiated the education expenses of the minor child. While permission is sought to sell the property of the minor, the property shall be sold for not less than the guideline value. Here, as per the guideline value produced by the petitioner, the guideline value is Rs.493/- per sq.ft. The extent of the property is 3 cents. If calculated the property would fetch a value of Rs.6,50,750/-. The appellant has agreed to sell the property for the value of Rs.14,00,000/-. The intending purchaser has been impleaded as third respondent, who filed a counter admitting the case of the appellant/petitioner, who agreed to purchase the property for sale consideration Rs.14,00,000/-. The trial Court has not properly considered the evidence adduced on the petitioner's side and has erred in dismissing the petition.

12. Therefore, this Court is of the view that the appellant/petitioner can be permitted to sell the property of the minor. At this juncture, the appellant's side has submitted that out of Rs.14,00,000/-, Rs.10,00,000/- may be ordered to be deposited in a nationalized bank and the balance Rs.4,00,000/- may be ordered to be given to the appellant for immediate expenses of the minor child. The respondents have also not objected to the same. Therefore, the impugned order warrants interference and this Civil Miscellaneous Appeal succeeds.



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13. In the result, the petition in C.M.P(MD)No.17385 of 2025 in C.M.A.(MD)No.1161 of 2025 is allowed and the documents filed therein are received and marked as Ex.P.5 to Ex.P.10.

13.1. In the result, this Civil Miscellaneous Appeal is allowed. The fair and decretal order, dated 30.07.2025, passed in HMGOP.No.34 of 2025 on the file of the I Additional District Court, Madurai are set aside. The petition in HMGOP.No.34 of 2025 on the file of the I Additional District Court, Madurai is allowed. The appellant/petitioner is permitted to sell the petition mentioned property of the minor child for Rs.14,00,000/- to the third respondent. The third respondent shall deposit Rs.10,00,000/- before the trial Court and shall give Rs.4,00,000/- to the appellant/petitioner for immediate expenses of the minor child before registering the sale deed. The trial Court is directed to deposit the said sum of Rs.10,00,000/- (Rupees Ten Lakhs only) in the name of minor Hasmitha in any one of the nationalized bank under an interest bearing fixed deposit until the minor attains majority. No costs. Consequently, connected C.M.P(MD)No.16335 of 2025 is closed.

23.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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Note: Additional documents marked on the side of the
appellant/petitioner:-

Ex.P.5 - School ID certificate of minor Hasmitha (Photo Copy)

Ex.P.6 to Ex.P.8 - School fee receipts (Photo Copy)

Ex.P.9 - Guideline value (Photo Copy)

Ex.P.10 - Undertaking affidavit filed by the 3rd respondent.

To

- 1.The I Additional District Court,
Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD)No.1161 of 2025

P.VADAMALAI, J.

VSD

Pre - Delivery Judgment made in
C.M.A.(MD)No.1161 of 2025
and
C.M.P(MD)Nos.17385 and 16335 of 2025

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