

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, VILLUPURAM
DISTRICT, VILLUPURAM.

Present: Tmt. B. Sarodjiny Devy, M.L.,
Principal District Judge,

Friday, the 17th day of February 2017

Guardian O.P. No.1/2017

(In the matter of Minor M.S.Nandhini aged about 17 years)

Latha

... Petitioner

/vs/

NIL

... Respondent

This petition coming on 27.01.2017 before me for final hearing in the presence of Tr.R.Murugan, Advocate for the petitioner and after general notice by beat of tom, tom and paper publication effected, no objector appeared in person and upon hearing the arguments of petitioner's counsel and on perusing the records and having stood over for consideration till this day, this court passed the following...

ORDER

This petition has been filed by the petitioner under Section 29 of the Guardian and Wards Act, seeking permission of this court to sell away the undivided half share of the petition mentioned property on behalf of minor in favour of one Gopalakrishnan S/o Pandurangan for a sale consideration of

Rs.1,75,000/ the share of the minor (Total sale consideration Rs.3,50,000) for the benefit of minor.

2) It is submitted by the petitioner that Minor Nandhini is her daughter. The property described in the petition was purchased from one Nandhakumar son of Haridoss and was registered at the office of the Sub Registrar, Mangalampettai, Villupuram District, in document no.298/2014 on 12.02.2014 . The elder daughter of the petitioner namely Alagammai is studying II year B.com., L.L.B at National law school at Sri Rangam, Trichy, Tamilnadu and the younger daughter of the petitioner namely Nandhini is studying +2 at Sri Venkateswara Matriculations Higher Secondary school (SRV) at Trichy. The annual examinations of the 2nd daughter of the petitioner is nearing and after her examinations she has to admit in a good institution for her professional or colleges studies at Madras and apart from her further educational expenses for her future studies, she proposed to undergo tuition/coaching classes for NEET examination. Hence, the petitioner is in need of at least Rs.2,00,000/- each to meet the educational expenses of her daughters. To meet out the future educational expenses, the petitioner is decided to sell the schedule mentioned property to one Gopalakrishnan S/o Pandurangan for a sum of Rs.3,50,000/- and entered an agreement for sale and received an amount of Rs.50,000/- as advance and the same was registered in the office of the Sub Registrar, Mangalampettai, Villupuram District on 23.12.2016 in document no.2542/2016 and now the elder daughter become major and the younger daughter is at her age of 17 years and hence she is a minor and hence this petitioner filed this

O.P for seeking permission to sell the undivided $\frac{1}{2}$ share of the minor Nandhini in schedule mentioned property for her benefit, to meet her future educational expenses . This petitioner further submits that except to sell the said property, the petitioner have no other sources of income to meet the future educational expenses of her daughters. Hence this petition has been filed for seeking permission of this court to sell away the minor's undivided half share of the petition mentioned property on behalf of minor in favour of one Gopalakrishnan S/o Pandurangan for a sale consideration of Rs.1,75,000/ the share of the minor (Total sale consideration Rs.3,50,000) for the benefit of minor.

3) The point for consideration is:

Whether the petition has to be allowed or not?

4) **Point:**

Records perused. The petitioner is the mother of minor. The petitioner filed her proof affidavit and recorded as PW1 evidence and accordingly Ex.P1 to Ex.P5. were marked. PW.1. has narrated in her proof affidavit that the necessity of her to sell away the undivided half share of the minor Nandhini out of the petition mentioned property on behalf of minor in favour of one Gopalakrishnan S/o Pandurangan for sale consideration of Rs.3,50,000/- and share amount of minor is ordered to be deposited in the name of the minor in any one of the Nationalized Banks till such time she attains majority of age. One Vijayaraghavan filed his proof affidavit and recorded as PW2 evidence and he has also narrated the necessity of the

petitioner to sell the petition mentioned for the welfare and maintenance of the minor Nandhini. Ex.P1 is the copy of the sale deed in document no.298/2014 executed by one Nanthakumar in favour of Alagammai and minor Nandhini naming the petitioner as guardian. Ex.P2 is the copy of the sale deed in favour of Nandhakumar. Ex.P3 is the copy of sale agreement executed between Gopalakrishnan and petitioner (on behalf of minor) . Ex.P4 is the Bonafide Certificate in the name of Minor Nandhini. Ex.P5 is the copy of Birth Certificate of Minor Nandhini . On perusal of records it is seen that the reasons narrated by the petitioner is justifiable as she has to incur lot of expenses for the education, upkeep and maintenance of her minor daughter. Therefore this court finds that the petitioner being the mother and natural guardian is entitled to get permission to sell away the undivided half share of the minor in the petition mentioned property on behalf of minor in favour of one Gopalakrishnan S/o Pandurangan for sale consideration of Rs.3,50,000/- for the welfare of the minor. Thus the point is answered accordingly.

In the result, the petitioner herein is permitted to sell away the undivided half share of the property on behalf of minor Nandhini along with Alagammai (who attained majority now) in favour of Gopalakrishnan S/o Pandurangan and accordingly the half of the amount of sale proceeds i.e.Rs.1,75,000/- is ordered to be deposited in the name of the minor in any one of the nationalized Banks till such time she attains the age of majority and the petitioner is permitted to withdraw the interest amount once in three months for the well being of the minor and accordingly the petition is allowed as prayed for and the petitioner is

directed to produce the deposit receipt in the court immediately after the sale transaction is over.

Order dictated to the Steno-Typist, transcribed by her, corrected and pronounced by me in open court, this day, the 17th day of February 2017.

sd/- B.Sarodjiny devy
Principal District Judge,
Villupuram.

List of Exhibits marked on the side of the petitioner:-

- Ex.P1/12.02.2014 Original copy of the sale deed in document no. 298/2014 executed by one Nanthakumar in favour of Alagammai and minor Nandhini naming the petitioner as guardian.
- Ex.P2/15.11.2012 Original copy of the sale deed in favour of Nanthakumar (parent document)
- Ex.P.3/23.12.2016 Original copy of sale agreement executed between Gopalakrishnan and petitioner (on behalf of minor) .
- Ex.P.4/ Original Bonafide certificate in the name of minor Nandhini.
- Ex.P.5/ Xerox copy of Birth certificate in the name of Minor Nandhini.

List of witnesses examined on the side of the petitioner:-

- P.W1. Tmt. Latha (Petitioner)
P.W.2. Tr. Vijayaraghavan

sd/- B.S
P.D.J
VPM.