

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

PRESENT: **Thiru.K.H.Elavazhagan, B.Sc., M.L.,**
Principal District and Sessions Judge, Thanjavur.

Monday, the 6th day of July, 2026.

(Thiruvalluvarandu 2057, Sri Parabhava Aandu Aani Thingal 22th day)

Guardian and Wards Original Petition No. 203/2025

CNR No. TNTJ01 – 011680 – 2025

(In the matter of appointment of guardian of the minor and permission of sale of the petition–mentioned ‘B’ Schedule property standing in the name of the minor named Sasisekar, now aged 14/2026 and utilize the sale proceeds to purchase ‘A’ Schedule property in the minor’s name)

Sandhya

...

Petitioner

versus

Nil

...

Respondent

This Guardian and Wards Original Petition coming on 22.06.2026 before me for final hearing in the presence of Thiru.S.Saravanamuthu, advocate for the petitioner and, upon hearing the arguments advanced on the side of the petitioner and perusing the oral and documentary evidence adduced on the side of the petitioner and having stood over for consideration till date, this Court passed the following ...

ORDER

(1) This Guardian and Wards Original Petition has been filed by the petitioner under Sections 8 & 9 of the Guardian and Wards Act, 1890, praying to appoint the petitioner as guardian of the minor named Sasisekar, now aged 14 years, and to permit the petitioner to sell the petition-mentioned 'B' Schedule flat standing in the name of the minor, and also, to permit the petitioner to utilise the sale proceeds to purchase 'A' Schedule individual house in the minor's name, with costs.

(2) **Brief Averments of the Petition are as follows:**

(2.1) The petitioner is the mother and natural guardian of the minor named Sasisekar, who was born on 14.05.2012. The minor's father, Gopal, purchased the petition-mentioned 'B' Schedule property, in the minor's name under a registered sale deed under Document No. 257/2022 dated 10.01.2022, and the family resided there together.

(2.2) In the year 2024, Gopal was suffering from jaundice and consequently from kidney failure, requiring continuous medical treatment. The minor's father Gopal executed a registered will dated 13.05.2024.

(2.3) Upon knowing this, the petitioner also faced persistent threats and harassment from the deceased's divorced first wife and her son concerning his properties during this period. To ensure the minor's safety and uninterrupted education, the petitioner enrolled him in a Government Higher Secondary School in

Thanjavur, where he has been residing with the petitioner's sister while continuing his studies. Despite prolonged treatment, the minor's father died on 17.07.2025.

(2.4) Following his death, the petitioner and the minor continued to face harassment from the deceased's former wife named Radhika, her son named Praveenkumar, and others. Owing to this, the petitioner filed a complaint before the Principal District Court, Thiruchirappalli, wherein it has been ordered in D.No.6043/HC(J)/2025 on 28.08.2025 to initiate legal proceedings.

(2.5) Considering the minor's welfare, education, and long-term security, the petitioner entered into an agreement with one Vijayakumar to sell the property standing in the name of the minor for Rs.40,00,000/- and received an advance of Rs.10,00,000/- from him on 12.10.2025.

(2.6) The petitioner subsequently entered into another registered agreement under Document No. 6758/2025 with one Jayadeesan to purchase an independent house in Thanjavur for Rs.60,00,000/- with the sale proceeds of the flat and her own savings and agree to complete the purchase in the minor's name within six months.

(2.7) The proposed sale is essential for securing the minor's education, safety, and future, and the minor is the sole heir to the property. Following her husband's demise, the petitioner cares for her minor son entirely unassisted. The petitioner is taking care of her minor son. It is therefore prayed to appoint the petitioner as the minor's legal guardian, to sell the minor's properties, and to utilise the sale proceeds

for purchasing the new house in the minor's name, with costs.

(3) After taken on file, this Court has ordered notice by beating Tom – Tom, to affix notice and also ordered to cause Paper publication. There has been no objectors following to the above said process.

(4) There is no respondent in this case.

(5) On the side of the petitioner, PW1 has been examined and PW1 to PW15 have been marked.

(6) Points that arise for consideration in this petition are that:

(i) Whether the petition has been filed for the welfare of the minor child ?

(ii) Whether the petition can be allowed ?

Answer to the 1st Point:

(7) Heard. I have gone through the material available on records.

(8) According to the petitioner, the petitioner is the mother and natural guardian of the minor, Sasisekar, who was born on 14.05.2012. The minor's late father, Gopal, had purchased the petition-mentioned properties in the minor's name through a registered sale deed under Doc. No. 257/2022 dated 10.01.2022. Since Gopal was suffering from jaundice and subsequent kidney failure, he executed a registered will dated 13.05.2024. Gopal died on 17.07.2025 despite prolonged

treatment. To secure the minor's welfare, education, and long-term security, the petitioner entered into an agreement on 12.10.2025 to sell the minor's property to one Vijayakumar for Rs. 40,00,000/–, providing a advance of Rs.10,00,000/–. Subsequently, the petitioner executed a registered agreement under Doc.No.6758/2025 to purchase an independent house in Thanjavur for Rs.60,00,000/– in the minor's name within six months, utilizing the sale proceeds of the minor's properties and her personal savings. The proposed sale is bona fide and essential for the minor's future. It is therefore prayed to appoint the petitioner as the legal guardian of the minor, permit the sale of the minor's properties, and authorize the utilization of the sale proceeds to purchase the new house in the minor's name.

(9) On the other hand, there is no respondent in this case. After taken on file, this Court has ordered notice by beating Tom – Tom, to affix notice and also ordered to cause Paper publication. However, there is no objectors to the above said process.

(10) On perusal of records, Ex.P1 is the birth certificate of the minor Sasisekar. It goes to show that minor Sasisekar was born on 14.05.2012. Ex.P2 is the certified copy of sale deed dated 10.01.2022. It shows that the sale deed under Document No. 257/2022 dated 10.01.2022 was executed by one Saravanan in favour of the minor Sasisekar. Ex.P3, Ex.P4 and Ex.P5 are copies of property tax receipts, underground drainage tax receipts and electricity tax receipts respectively. These reveal that the 'B' Schedule property is standing in the name of the minor Sasisekar.

Ex.P6, Ex.P7 and Ex.P8 are copies of the Aadhar cards of the minor, the petitioner and the father of the minor respectively. Ex.P9 is copy of ration card of the petitioner. Ex.P10 is the certified copy of the registered will dated 13.05.2024. It goes to show that the will was executed by the father of the minor named Gopal in favour of the minor. Ex.P11 is copy of the death certificate of the deceased Gopal. It reveals that the father of the minor Gopal died on 17.07.2025. Ex.P12 is the Order dated 28.08.2025 of the Principal District Judge, Thiruchirappalli, in D.No.6043/HC(J)/2025. It shows that the petition filed by the petitioner was forwarded to the Commissioner of the Police, Thiruchirappalli, to initiate legal actions. Ex.P13 is the original sale agreement dated 12.10.2025. It reveals that the petitioner has been entered into an agreement with Vijayakumar to sell the petition-mentioned properties standing in the name of the minor Sasisekar. Ex.P14 is the certified copy of the registered sale agreement dated 23.10.2025. It shows that the petitioner has been entered into an agreement with Jagadeesan to purchase the 'A' Schedule property in the name of the minor within three months. Ex.P15 is copy of the bona fide certificate of the minor Sasisekar. It goes to show that the minor is currently studying at VIII standard in Government Higher Secondary School, Thanjavur.

(11) In the case in hand, the petitioner is the mother of the minor Sasisekar. Ex.P13 shows that the petitioner agreed to sell the petition-mentioned properties standing in the name of the minor for a consideration of Rs.40,00,000/–, and Ex.P14

shows that the petitioner agreed to purchase property in the name of the minor for a consideration of Rs.60,00,000/-. In the petition, it is clearly mentioned that the petition-mentioned 'A' Schedule individual house is going to be purchased by utilizing the sale proceeds of the 'B' Schedule flat i.e., Rs.40,00,000/- together with the petitioner's savings for the remaining amount. From the evidence of PW1 and exhibits Ex.P1 to Ex.P15, I hold that the proposed sale is intended for the welfare of the minor Sasisekar.

Answer to the 2nd Point:

(12) Since the 1st Point is answered affirmatively in favour of the petitioner, the 2nd point also goes in favour of the petitioner. In this regard, it is pertinent to read the Section 34 of the Guardians and Wards Act, 1890, which read thus:

34. Obligations on guardian of property appointed or declared by the Court. — Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Collector, he shall, —

(a) if so required by the Court, give a bond, as nearly as may be in the prescribed form, to the Judge of the Court to ensure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

(b) if so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such other time as the Court directs, a statement of the

immovable property belonging to the ward, of the money and other movable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

(c) if so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court from time to time directs;

(e) if so required by the Court, pay into the Court at such time as the Court directs the balance due from him on those accounts, or so much thereof as the Court directs; and

(f) apply for the maintenance, education and advancement of the ward and of such persons as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be a party, such portion of the income of the property of the ward as the Court from time to time directs, and, if the Court so directs, the whole or any part of that property.

(13) On reading of the above section, it would be just and fair to allow this petitions, and it is clearly mentioned in the petition that the petition-mentioned ‘A’ Schedule individual house is going to be purchased by utilizing the sale proceeds of the ‘B’ Schedule flat i.e., Rs.40,00,000/- together with the petitioner’s savings for the remaining amount. In consideration of the welfare of the minor, I am inclined to allow this petition on the condition that the petitioner shall execute a bond for the sale proceeds with two sureties for like sum each to the satisfaction of this Court, failing which this petition shall stand dismissed.

(14) In the result, this Guardian and Wards Original Petition is allowed and the petitioner is appointed as the guardian of the minor Sasisekar, now aged 14 years, subject to the following consequential directions:

- (i) The petitioner is permitted to sell the petition-mentioned 'B' Schedule flat standing in the name of the minor;
- (ii) The petitioner is permitted to utilize the sale proceeds to purchase petition-mentioned 'A' Schedule individual house in the minor's name;
- (iii) The petitioner is directed to submit a compliance report, along with a copy of the registered sale deed, regarding the execution of sale deed, before this Court, immediately after completion of the sale transaction;
- (iv) The petitioner is directed to deposit the remaining sale proceed after the said purchase, if any, in a Nationalized Bank in the minor's name;
- (v) The principal amount must remain intact and must not be withdrawn. However, the accrued interest along may be withdrawn by the petitioner once in three months, which must be utilized solely for the education and welfare of the minors;
- (vi) The petitioner is directed to submit his account transactions once in 6 months as contemplated under Section 34(a)(b) of the Guardian and Wards Act, 1890; and

(vii) The petitioner shall execute a bond for the remaining sale proceeds with two sureties for like sum each to the satisfaction of this Court, failing which this petition shall stand dismissed.

This Order is directly dictated to the Stenographer Grade – III of this Court, directly typed by him in computer, corrected and pronounced by me in the open Court, on this 6th day of July, 2026.

Principal District and Sessions Judge,
Thanjavur.

Witness examined on the side of the Petitioner:

1 PW1 Sandhya, W/o. Gopal. (Petitioner)

Documents marked on the side of the Petitioner:

Ex.P1	11.06.2012	Copy of the Birth Certificate of the Minor Sasisekar
Ex.P2	10.01.2022	Certified Copy of the Sale Deed under Document No.257/2022
Ex.P3	30.10.2025	Copy of Receipt of Property Tax
Ex.P4	30.10.2025	Copy of Receipt of Underground Drainage Tax
Ex.P5	30.06.2025	Copy of Receipt of Electricity tax
Ex.P6	—	Copy of Aadhar Card of the Minor Sasisekar
Ex.P7	18.08.2016	Copy of Aadhar Card of the petitioner
Ex.P8	—	Copy of Aadhar Card of the father of the minor Gopal
Ex.P9	—	Copy of Ration Card of the petitioner
Ex.P10	13.05.2024	Certified Copy of the Registered Will executed by the father of the minor in favour of the minor Sasisekar
Ex.P11	22.07.2025	Copy of Death Certificate of the father of the minor named Gopal

Ex.P12	28.08.2025	Order of the Principal District Judge, Thiruchirappalli, in D.No.6043/HC(J)/2025
Ex.P13	12.10.2025	Original Sale Agreement executed by the petitioner with Vijayakumar
Ex.P14	23.10.2025	Certified Copy of the Registered Sale Agreement executed with Jagadeesan
Ex.P15	25.11.2025	Bona Fide Certificate of the Minor Sasisekar

Principal District and Sessions Judge,
Thanjavur.

Draft / Fair Order in
GWOP No. 203/2025
Prl. District and Sessions Court, Thanjavur.
Dated: 06.07.2026.