

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR

Present: Dr. J. JULIET PUSHPA, Ph.D. (Law)

Principal District Judge, Tiruvallur

Wednesday, the 17th day of June , 2026

H.M.G.O.P. No.463/2025

(CNR No TNTR010096962025)

In the matter of minors

- 1. D. KAVIYA,
(Born on 14.03.2008)**
- 2. R.D. KRITHEKRAJ
(Born on 13.01.2014)**

Dharanikumar,
S/o Rajayyan

...Petitioner

/vs/

NIL

....Respondent

This petition coming on 06.06.2026 for final hearing before me in the presence of M/s V. Srinivasaragavan learned Counsel for the petitioner and in spite of notice being issued under various modes, no objectors were present and upon perusing the records and having stood over for consideration till this day, this court delivered the following:-

ORDER

This Petition is filed by the petitioner u/s 8(2)(a) of the Hindu Minority and Guardianship Act, 1956 prays to permit the petitioner to sell the share of his minor daughter D. Kaviya and minor son, R.D. Krithekraj in the petition schedule property and to deposit the remaining sale consideration towards the share of minor wards in any one of the nationalized bank till the minor wards attain majority.

2. The brief averments in the petition are as follows:-

According to the petitioner, the petition schedule property was purchased by the wife of the petitioner R. Pavithra under a registered sale deed dt. 08.12.2006 vide Document No.7507/2006 of SRO, Ponneri from one Ramakrishna Naidu for valid sale consideration and she was in possession of the same. While so, petitioner's wife R. Pavithra died on 03.08.2015 leaving the petitioner and her minor daughter D. Kaviya, born on 14.03.2008 and one minor son R.D. Krithekraj, born on 13.01.2014 as her only legal heirs. After the death of the petitioner's wife both the minor wards are under the care and custody of the petitioner, who is the natural guardian of the minor wards. Since the petitioner is not having permanent job, in order to meet the educational expenses of the minor wards and also since the petition schedule property which is a vacant land not yielding any income, the petitioner decided to sell the petition schedule property and to deposit the share of minor wards in the sale consideration in a nationalized bank for the welfare of his children. Accordingly, he entered into a sale agreement dated 10.10.2025 with the intending purchaser M/s South Gate Constructions LLP vide Doc.No.9310/2025 of SRO, Ponneri agreeing to sell the petition schedule property for a total sale consideration of Rs.71,40,000/- and received the advance of Rs.3,00,000/- vide Cheque dt. 10.10.2025. The proposed sale is only for the welfare of the minor wards. Hence, this petition seeking permission to sell the share of the minor D. Kaviya and R.D. Krithekraj.

3. The petition was taken on file and the general notice about the petition was widely informed to the public through court notice board, beat of *tom tom* and paper publication made in one issue of Tamil Daily. There was no objectors.

4. The petitioner was examined as PW1 and one Praveenkumar Darda, the Managing Partner of the intending purchaser M/s South Gate Constructions LLP was examined as PW2 and marked Ex.P1 to Ex.P12.

5. The points for consideration is

- 1. Whether the petitioner shall be permitted to sell the share of his minor daughter D. Kaviya and minor son R.D. Krithekraj in the petition schedule property as prayed for ?**
- 2. Whether this Original Petition is to be allowed ?**

6. POINTS :-

Heard petitioner. Perused the records.

This Petition is filed by the petitioner under section 8(2) (a) of the Hindu Minority and Guardianship Act prays seeking permission to sell the share of minor wards D. Kaviya and R.D. Krithekraj in the petition schedule property on behalf of the minor wards.

7. The petitioner in order to substantiate his case has examined himself as PW1. He is the father of his daughter, D. Kaviya and minor son R.D. Krithekraj. The petition schedule property was purchased by the petitioner's wife, R. Pavithra under a registered sale deed dt. 08.12.2006 vide Document No.7507/2006 of SRO,

Ponneri. It is evident from **Ex.P1**, certified copy of the sale deed dt. 08.12.2006. Being the absolute owner , the petitioner's wife was in possession of the petition schedule property. While so, petitioner's wife R. Pavithra died on 03.08.2015 leaving her husband, the petitioner herein, minor daughter D. Kaviya, and her minor son R.D. Krithekraj as her legal heirs. It is evident from her death certificate, **Ex.P2** and Legal Heir Certificate, **Ex.P3**. Thus, after the death of petitioner's wife, the petitioner along with his two children are each entitled to 1/3 share in the petition schedule property.

8. It is the contention of the petitioner that since the petitioner is in need of financial assistant for providing better education and other requirements of his both children, he decided to sell the petition schedule property including the 2/3 share of his daughter D. Kaviya and minor son R.D. Krithekraj. Accordingly, he entered into a sale agreement on 10.10.2025 with the intending purchaser M/s South Gate Constructions LLP vide Doc.No.9310/2025 agreeing to sell the petition schedule property for a total sale consideration of Rs.71,40,000/- and received the advance of Rs.3,00,000/- , which is evident from the sale agreement dated 10.10.2025, **Ex.P7**. The value of 1/3 share of each minor ward in the total sale consideration is Rs.23,80,000/-, which the petitioner is ready to deposit each in the name of the minor wards. Selling the petition schedule property for a total sale consideration of Rs.71,40,000/- is beneficial, which is evident from **Ex.P11**, Guideline value of the property. The petitioner is ready to deposit the value of 2/3 share of minors in the sale consideration in the name of her minor children in a nationalized bank.

9. The reason deposed by the petitioner for selling the share of minor wards in the petition schedule property is for the expenses for his minor daughter and son and also for her future requirements, he intended to sell the petition schedule property including the share of petitioner's children. The petitioner is the father of his daughter D. Kaviya and minor son R.D. Krithekraj. The petitioner seeks permission for selling the share of minor wards in the petition schedule property.

10. On perusal of the Birth certificate of petitioner's daughter D. Kaviya which is marked as **Ex.P5**, it is seen that she was born on 14.03.2008. Therefore, she attained majority as on 14.03.2026. Since, the daughter of the petitioner, D. Kaviya already attained majority, this petition seeking permission to sell her 1/3rd share in the petition schedule property becomes infructuous as there is no necessity to seek permission to sell her share as on date. As such, this Court cannot consider this petition in respect of the petitioner's daughter D. Kaviya. From the Birth certificate, of petitioner's minor son R.D. Krithekraj, **Ex.P4**, it is evident that he is a minor.

11. Considering the fact that minor R.D. Krithekraj is under the care and custody of the petitioner and the fact that the petitioner, being the father now intends to sell the petition schedule property is only to safeguard the interests of his minor son, R.D. Krithekraj, this court concludes that petitioner can be permitted to sell the 1/3 share of minor son in the petition schedule property in favour of the prospective purchaser with condition of depositing the share value of minor ward. These points answered accordingly in favour of the petitioner.

In the result, the petitioner, Mr. Dharanikumar, S/o Rajayyan, the father of the minor ward namely, R.D. Krithekraj (Born on 13.01.2014) is permitted to sell the 1/3rd share of the minor ward in the petition schedule property on behalf of the minor ward. The total sale consideration shall not be less than the market value. The petitioner shall deposit the 1/3 share value in the total sale consideration of the petition schedule property before this court along with registration copy of sale deed within two months from the date of completion of sale, for investing the 1/3 share in the total sale consideration in the name of the minor R.D. Krithekraj in any one of the nationalized bank, till the minor ward attains majority. The petitioner, being father of the minor ward shall draw accrued interest on the deposit amount once in three months from the bank directly and utilize the same for the benefit, interest and welfare of the minor ward. The petitioner is directed to submit the accounts once in every six months before this court till the minor ward attains majority.

Accordingly, the petition is allowed under section 8(2)(a) & (5) of the Hindu Minority and Guardianship Act 1956.

Dictated to steno-typist, transcribed by him , corrected and pronounced by me in open court, this the 17th day of June, 2026

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioners side witnesses:-

PW.1 - Mr. R. Dharanikumar, (petitioner)

P.W.2- Mr. Praveenkumar Darda

Petitioner's side Exhibits:-

Ex.P1	08.12.2006	Copy of the sale deed under Doc.No.7507/2006 in the name of R. Pavithra,
Ex.P2	13.08.2015	Death certificate of R. Pavithra
Ex.P3	22.02.2018	Legal Heir certificate of R. Pavithra
Ex.P4	14.12.2020	Birth certificate of minor R.D. Krithekraj
Ex.P5	11.07.2016	Birth certificate of D. Kaviya
Ex.P6		Copy of the Aadhar card of the petitioner Dharanikumar (compared with original)
Ex.P7	10.10.2025	Registered Sale agreement entered between petitioner and M/s South Gate Constructions LLP under Document No. 9310/2025
Ex.P8	27.10.2025	School Bonafide Certificate of D. Kaviya
Ex.P9	27.10.2025	School Bonafide Certificate of R.D. Krithekraj
Ex.P10	16.11.2025	Encumbrance Certificate of petition schedule property
Ex.P11		Guideline value of petition schedule property
Ex.P12		Copy of the Aadhar card of PW2 Praveenkumar Darda (compared with original)

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**