

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 15687 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

The petitioners are the widow and children of late Suresh Kumar. The petitioner approached the 1st respondent for effecting transfer of registry based on unregistered will executed by Sri.Suresh Kumar in their favour.

2. The mother of the deceased Suresh Kumar filed a suit for partition claiming $\frac{1}{4}$ of the share ignoring validity of the will. She disputed the validity of the will in the suit. It is now stated that Bhanumathi is no more and her legal heirs are the respondents 2 and to 5 in this writ petition.

3. It appears that on account of objection raised by Banumathi, the transfer of registry was not affected.

4. This Court is of the view that petitioners are otherwise natural legal heirs of deceased Suresh Kumar. If at all Bhanumathi is entitled, she would be entitled only for a share in the property. In that view of the matter, subject

to the decision of the civil court regarding the validity of the will, transfer of registry, shall be effected in favour of the petitioner. Therefore, there shall be a direction to the 1st respondent to effect mutation based on unregistered will subject to outcome of civil suit. It is made clear that disposal of writ petition is without prejudice to the party respondent's objection regarding the validity of will before the civil court.

The writ petition is disposed of as above.

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**A.MUHAMED MUSTAQUE,
JUDGE**

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