

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 04TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A.No.7231 of 2019

in

O.P.No.467 of 2017

In the matter of the Indian
Succession Act, XXXIX of
1925

AND

In the matter of Estate of
the Mrs.Rafaat Begum
Deceased intestate.

Syed Riaz Ahmed
S/o Gulam Ahmed Syed
Flat No.T14, Eterina
2, Arihant Escapade
48, Devaraj Nagar,
Thuraipakkam,
Chennai 600 096.

...Applicant/Petitioner

This application praying that this Hon'ble Court be
pleased to permit the Applicant to sell the properties
which are administered by him as per order in O.P.No.467 of
2017 dated 19/11/2018 of the deceased Rafaat Begum which is
more fully described in the Schedule as item 1 and 2.
(schedule in the petition).

This application coming on this day before this court
for hearing the court made the following order:

Seeking permission to sell the properties described in
the Schedule as Item Nos.1 and 2, the applicant has come
up with this application.

2. According to the applicant, his father had three
children and except the applicant, two other children,
viz., Mr.Syed Rafiuddin Ahmed and Rafaat Begum died on

14.12.2012 and 21.06.2015 respectively. It is further stated that the said Rafaat Begum died issue-less and her husband had settled half share in the 1st item in her favour by a registered Settlement Deed, dated 23.08.2007 and she became the owner of the 2nd item, by virtue of the sale deed, dated 26.09.1990. The above O.P. was filed for issuance of letters of administration in favour of the applicant and it was allowed on 19.11.2018 and as such, the applicant has been administering the properties.

3. Mr.M.Muniruddin Sheriff, learned counsel for the applicant would submit that in the 1st item, Rafaat Begum's sister-in-law Mrs.Kareemunnisa is having half share and the flat is not fetching any income and they are unable to enjoy and maintain the same. Likewise, the 2nd item of the schedule property is not rented out and no income is derived from. Since the applicant is a senior citizen, aged about 72 years and due to his age factor, he could not maintain the properties. Hence, the present application.

4. Considering the averments made in the affidavit filed in support of the application and the submission of the learned counsel for the applicant, this application is allowed.

Sd/M.K.K.S.J.

04.10.2019

//Certified to be a true copy//
Dated this the day of 2019.

SU/10.10.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.