



A.No.571 of 2022

A.No.571 of 2022
in O.P.No.434 of 2020

WEB CO **KRISHNAN RAMASAMY.J.,**

This Application has been filed for grant of permission to the Applicant/Petitioner to sell the property mentioned in the schedule.

2. According to the applicants/petitioners, the deceased Mrs.Geetha R. Shelat, died intestate on 04.09.2018, leaving behind the property specified in the schedule, which was purchased by her along with the 1st applicant, who is her husband's brother. The husband of the deceased namely Mr.Rajinikant Shelat was predeceased her on 05.04.1994 and both of them had no issues and thereby they left with no class-I legal heirs. Therefore, as per Section 15 (1) (b) of the Hindu Succession Act, the heirs of deceased's husband would become the legal heirs of the deceased, who are the applicants herein and entitled to succeed to her estate and accordingly, they claim administration of the estate of the deceased.

3. It is further stated that in O.P.No.434 of 2020, the applicants 2 to 5 herein have given consent affidavits to issue Letters of Administration in



favour of the 1st applicant and by an order dated 16.02.2021, this Court, while allowing the said O.P, granted Letters of Administration in favour of the 1st applicant.

4. Now the applicants/petitioners became senior citizens and were in dire need of money to take care of their medical and other incidental expenses and since the rental income deriving from the property is not sufficient to meet out the expenses and in such circumstances, the applicants/petitioners came forward with the present application seeking permission to sell away the property.

5. The learned counsel appearing for the applicants/petitioners would submit that in terms of Section 307 (2) (ii) of the Indian Succession Act, for selling any property, an Administrator has to get the previous permission of this Court. A relevant portion of the said Section is extracted hereunder:

“307 (2) (ii) An administrator may not, without the previous permission of the Court by which the Letters of Administration were granted, -

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property



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for the time being vested in him under Section 211, or

(b) lease any such property for a term exceeding five years”.

6. A perusal of the above provision, it is clear that an administrator cannot mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property in respect of which Letters of Administration was granted, without previous permission of the Court. Hence the learned counsel seeks the permission.

7. Considering the facts and circumstances and submissions made by the learned counsel for the applicants/petitioners and also the dire necessity of the applicants/petitioners to sell away the property in order to meet out their medical and incidental expenses and since already this Court granted Letters of Administration in favour of the 1st applicant, this Court feels it appropriate to accord permission to the applicants/petitioners to sell away the immovable property specifically mentioned in the schedule by executing a registered sale deed in favor of the buyer.



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8. Accordingly, this application is allowed as prayed for.

14.06.2022

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