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A.No.4718 of 2023 in

O.P.No.533 of 2009

R.N.MANJULA,J.

This application has been filed seeking permission to sell the applicants' respective share of waste land described in Schedule A and B in the Will dated 22.10.1988.

2. The applicants are the petitioners 3 and 4 in the above Original Petition. It is submitted by the learned counsel for the applicants / petitioners 3 and 4 that a part of the property in A and B schedule of the Will have been bequeathed in favour of the applicant / petitioners 3 and 4 and that Letters of Administration has also been granted in respect of the Will dated 22.10.1988 in favour of the applicants and the second petitioner in the Will. As the Letters of Administration will be in force till 11.04.2024, the applicants have filed this application seeking permission to sell their respective shares bequeathed in their favour by invoking Section 307 of the Indian Succession Act.



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3. In the Judge's Summons, the property particulars is shown as under:

SCHEDULE

Parent schedules of A & B of the Will

“A' and 'B' house and ground bearing Door No.30, Old No:2, Kavarai Street, Saidapet, Chennai – 600 105, Block No.18, Townsurvey No.28, bounded on the north of Sriramauluy Chetty House, on the East by Kavarai Street, on the south of Madhavarao house, on the West by Perumal Koil lease land belonging to the testator measuring north to south 20 ½ feet east to west 112 feet.

Norther Portion of the Schedules – A & B

Subject matter of this Application for permission to Sell

Norther side ½ portion of the schedule – A & B measuring North to South on both sides 10 ¼' east to west on both sides 112' admeasuring in all 1,148 sq.ft situated in Door No:30, Old No:2, Kavarai Street, Saidapet, Chennai – 600 105, bock No:18, Town Survey No:28 now within the registration District of Chennai South and Sub-Registration District of Saidapet.”

4. Before seeking permission, it is obligatory on the part of the applicants to sub-divide their respective shares by proper demarcation after giving notice to the other co-sharers. Without demarcation and sub-division along with mutation of records, permission to sell cannot be granted. Hence the applicants has to take necessary steps as observed above before seeking permission to sell.



5. In view of the same, this application is disposed with the liberty to the applicants to file a fresh application after completing the demarcation, sub-division and mutation, etc., as observed already.

27.09.2023

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