

**Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 28th August, 2024**

FOR COMPLIANCE:

62. TP/3297/2024
[Original]
(ECHCBM02134142023)

P. C. : Ms. Surabhi Agrawal a/w Shri. Kunjan Arekar i/b
Legal Links Ld. Advocate for the Petitioner

1. the petitioner has filed the petition for Letters of administration to the property and credits of Prema Rangarajan, who died as Widow on 22.08.2021. According to the petitioner, said widow was issue-less and therefore, vide Sec. 15(1)(b) of the Hindu Succession Act, 1956(for short "HS Act"). Heirs of the Husband would inherit the property of the said deceased. In paragraph No. 3 of the petition, the petitioner, namely ANURADHA ICANNAN AIYANGAR, has stated about the legal heirs of the deceased. The husband of the deceased, Rangarajan Narasimhan Iyengar, died on 08/08/2013. Said Rangarajan had four siblings viz. petitioner(sister), Ramabadhran(Since-deceased brother, died on 20.04.2020), Shridharan(pre-deceased brother, died on 07.04.2011) and Saroja Seshadri (Since-deceased sister, died on 05/05/2017). Ramabadhran left his widow Rukhamni. Narsimhan left his widow Pushpa and Saroja Seshadri left her three sons, namely K.S. Gopalakrishnan, K.S. Vijaya Raghavan, K.S. Sampath Kumar and daughter-Latha.

2. As per sec. 15(1) (b) of the HS Act, the heirs of the Husband would inherit the estate of the deceased. Hence, in absence of class -I legal heirs, class – II Legal heirs of the Rangarajan. The petitioner being Class -II, Entry – (II) heir can claim

the inheritance. However, Rangarajan's brothers widows, namely Rukhamni and Pushpa are Class -II, Entry (VI) legal heirs of the said Rangarajan. Whereas, Saroja Seshadri's Children namely K.S. Gopalakrishnan, K.S. Vijaya Raghavan, K.S. Sampath Kumar and Latha are Class – II, Entry (IV) legal heirs of the said Rangarajan. As per Sec. 9 of the HS Act, earlier entry in the Class- II legal heir will have the preference. Therefore, as per Rule- 3 of the Sec. 16 of the HS Act, the husband of the deceased, Rangarajan, presumed to be died after the death of Prema Rangarajan. Said provision is reproduced as under:

16. Order of succession and manner of distribution among heirs of a female Hindu.—*The order of succession among the heirs referred to in section 15 shall be, and the distribution of the intestate's property among those heirs shall take place according to the following rules, namely:—*

Rule 1.—*Among the heirs specified in sub-section (1) of section 15, those in one entry shall be preferred to those in any succeeding entry, and those included in the same entry shall take simultaneously.*

Rule 2.—*If any son or daughter of the intestate had pre-deceased the intestate leaving his or her own children alive at the time of the intestate's death, the children of such son or daughter shall take between them the share which such son or daughter would have taken if living at the intestate's death.*

Rule 3.—The devolution of the property of the intestate on the heirs referred to in clauses (b), (d) and (e) of sub-section (1) and in sub-section (2) of section 15 shall be in the same order and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's as the case may be, and such person had died intestate in respect thereof immediately after the intestate's death.

3. As per the said Rule-3 of Sec. 16 of the HS Act, it is to be presumed that the husband of the deceased died after the death of Prema Rangarajan. Therefore heirs of husband, has to ascertain not at the time of the husband's death but at the time of the death of Prema Rangarajan, as succession opens after the death of Prema Rangarajan.

4. Hence, in such circumstances, except the petitioner, claim of other legal heirs being class – II, Entry – (IV) and Class – II, Entry (VI) heir of the Rangarajan comes in question. Hence, the petitioner to satisfy that information of the heirs given in the paragraph No. 4 of the petition is as per Sec. 15(1)(b) read with Sec. 16 and 8 and 9 of the HS Act.

5. S.O. to 04.09.2024

28.08.2024

**Officer on Special Duty,
with Testamentary Department**