

In Re: Mary Hemming

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SooperKanoon Citation : sooperkanoon.com/862649

Court : Kolkata

Decided On : Mar-31-1896

Reported in : (1896)ILR23Cal579

Judge : Sale, J.

Appellant : In Re: Mary Hemming

Judgement :

Sale, J.

1. This is an application under the Succession Act. The petitioner prays for letters of administration *de bonis non*, with liberty to dispose of the house in respect of which the grant of letters of administration is sought to be obtained. I am prepared to grant letters of administration to the applicant. On such grant being made the property will vest in the applicant, and he will have power to dispose of it in such manner as he may think fit.' This is a power given expressly by Section 269 of the Succession Act. The fullest power of disposal being thus given by the Act itself, nothing further is required, Why, then, should the petitioner ask for the Court's permission to do what he will under the law have full power to do? Indeed, the Act does not give the Court jurisdiction, when granting probate or letters of administration under its provisions, to include in such grant authority to dispose of property in respect of which the grant is made.

