§ 1121. Grant of letters to others

If any eligible distributee of the decedent shall petition to supersede the public administrator within 4 months after the public administrator has become vested with the powers of a fiduciary on the estate letters shall be granted to him upon proof that the petitioner did not receive notice of the application by the public administrator and upon the further showing that all persons prior or equal in right have been served and have defaulted or waived; but the court may refuse to supersede the public administrator if 6 months have elapsed since he became vested with the powers of a fiduciary.