

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 3rd September, 2021**

+ **TEST.CAS. 45/2018**

BHAVANA SOOD Petitioner

Through: Mr.Saurabh Banerjee, Advocate

versus

STATE (GOVERNMENT OF NCT OF DELHI) & ANR.

.....Respondents

Through: Mr.Yash Sinha, Advocate for
respondent No.1

CORAM:
HON'BLE MS. JUSTICE ASHA MENON

ORDER

ASHA MENON, J: (Oral)

1. The present petition has been filed under Section 278 of the Indian Succession Act, 1925, for grant of Letters of Administration in respect of the Estate of late Sh. Shyam Sunder Sood and late Smt.Mamta Sood.

2. It is stated in the petition that late Sh.Shyam Sunder Sood and late Smt.Mamta Sood, the parents of the petitioner, met with an accident and expired on 22nd November, 2016 at 10 a.m. at Rajnagar, District Rajsamand, Rajasthan. The petitioner/Bhavana Sood, being their daughter, and the respondent No.2/Saurabh Sood, being their son, are the only children of the deceased.

3. It is stated in the petition that the deceased were Hindus and governed by Hindu laws. They had died intestate. Thus, the petitioner and the respondent No.2 are Class-I legal heirs of the deceased. As the search of the papers of the deceased revealed that they had left behind both, movable as well as immovable properties, as listed in the Schedules A (Colly.) & B (Colly.), the present petition has been filed for grant of Letters of Administration. In the petition, the petitioner has placed the valuation of the movable property/assets at Rs.2,07,57,042.80/- and that of the two immovable properties at Rs.85,62,625/-.

4. The petitioner has sought the following reliefs: -

“i. allow the present application and grant a Letters of Administration in favour of the Applicant, Ms.Bhavana Sood collection of all the moveable properties/assets and the immoveable properties/assets as specified in paragraph no.'s 7 and 8 but not limiting her claim/s to any other and/ or further moveable properties/ assets and/ or immoveable properties/ assets not mentioned hereinabove and which may be found existing in the name/s of the deceased at any later point of time, as specified in paragraph no.'s 7 and 8 and annexed herein as Schedule A [Colly] and Schedule B[Colly] annexed hereto the present application.; and/ or

ii. further enable the Applicant to administer all the immoveable properties and/ or moveable properties/ assets mentioned hereinabove and/ or further immoveable properties and/ or moveable properties/ assets not mentioned hereinabove and which may be found existing in the name/s of the deceased at any later point of time, for enabling her to administer all

the shares of the deceased and further to do/ conduct all such and every act/s, if any, to the best of her ability in any manner whatsoever and whensoever.; and/ or

iii. Such other and further order/s and/ or relief/s as deemed fit, proper and appropriate under the facts and circumstances of the present case.”

5. The Court had sought the Valuation reports from SDM, Saraswati Vihar, New Delhi and SDM, Gurugram, Haryana, in respect of the two immovable properties. These were submitted on 1st February, 2019 and 8th April, 2019. The value of the property bearing No.66-A, AD Block, Shalimar Bagh, New Delhi-110088, has been fixed at Rs.1,03,39,200/-. The other property, which is a 3BHK+Study flat having Super Area of 2125 Sft., i.e. Flat No.C402, 4th Floor, Type-III, NBCC Heights Phase-2, Sector 89, Gurugram (earlier known as Gurgaon), Haryana-122 201, has been valued at Rs.88 lakhs.

6. Citations were published in two newspapers, namely, ‘The Indian Express’ and ‘Jansatta’, both dated 25th December, 2018.

7. The respondent No.2 is the elder brother and only sibling of the petitioner. He has filed his affidavit dated 20th July, 2019, whereby he has given his ‘No Objection’ to the grant of the Letters of Administration to the petitioner. He also appeared before court on 26th August, 2019 and confirmed that he had filed the affidavit dated 20th July, 2019 and affirmed before the court that he stood by its contents.

8. The petitioner examined herself as PW1 on 17th December, 2019 and no other witness. She brought on record the documents Ex. PW1/A to

Ex.PW1/C, Ex.PW1/D/I(Colly.) to Ex.PW1/D/VIII (Colly.) and Ex.PW1/E (Colly). On that date, the respondent No.2, who was present in person, did not cross examine her and also submitted that he did not wish to lead any evidence.

9. By way of her affidavit (Ex.PW1/A), the petitioner has affirmed that her parents have died. Their Death Certificates are Ex.PW1/A & PW1/B. She has brought on record the copy of her Aadhaar Card as EX.PW1. She has stated that though at the time of filing of the petition, she placed on record the lists of all movable properties/assets as Schedule A (Colly.) and immovable properties as Schedule B (Colly.), but stated in her affidavit (Ex.PW1/A) that the revised list of movable properties/assets is now as Exhibit PW1/D/I[Colly.] to Exhibit PW1/D/VIII[Colly.] and immovable properties as Exhibit PW1/E[Colly.]. In support of these revised lists, she has also brought on record the following: -

- i. The details of the Bank Accounts are Ex.PW1/D/I (Colly.), which include documents relating to the accounts.
- ii. The details with relevant documents of the Bank Lockers are Ex. PW1/D/II(Colly.).
- iii. The details of the Fixed Deposit Receipts along with documents are Ex.PW1/D/III.
- iv. The details of Bonds/Mutual funds/Shares in NSDL Holdings along with documents are Ex. PW1/D/IV(Colly.).
- v. The details of Public Provident Funds along with copy of passbook and other related documents are Ex. PW1/D/V(Colly.).
- vi. The details of National Savings Certificates along with relevant documents are Ex.

PW1/D/VI(Colly.).

- vii. The details of Life Insurance Policies along with related documents are Ex. PW1/D/VII(Colly.).
- viii. The details of Car Insurance Claim along with documents are Ex. PW1/D/VIII(Colly.).
- ix. The details of Immovable Property along with copy of allotment letter and other related documents are Ex. PW1/E(Colly.).

10. The Valuation Reports are marked as Documents F and G for convenience.

11. There is no objection to the grant of Letters of Administration to the petitioner, as no objections have been received from any one after the publication of the citations. The respondent No.2 has also supported the petitioner's request for grant of Letters of Administration to her.

12. Accordingly, on the basis of the documents and the affidavits of the petitioner and the respondent No.2 and his "no objection", the petition is allowed and the Letters of Administration are granted in favour of the petitioner/Bhavana Sood to administer all the moveable and immovable properties, including shares of the deceased and further to do/conduct all such and every act/s to the best of her ability in any manner whatsoever and whensoever, in respect of the following properties:-

PW1/D/I/ [Colly]-Bank Accounts:

S.no.	Name of Deceased	Details	Approximate Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	SB a/c no. 0153000100772295, Punjab National Bank, 5 Sansad Marg, New Delhi-110001	1,86,535.60/- as on 15.02.2018

2.	Late. Mr. Shyam Sunder Sood	SB a/c no. 0637000200141770, Punjab National Bank, B-23, Ashok Vihar, Phase 1, Delhi-110052	4,207.50/- as on 06.03.2018
3.	Late. Mr. Shyam Sunder Sood	SB a/c no. 3061000201002838, Punjab National Bank, KHRMS, Phase 1, Ashok Vihar, Delhi-110052	27,700/- as on 06.03.2018
4.	Late. Mr. Shyam Sunder Sood	SB a/c no. 4184001100005183, Punjab National Bank, Shalimar Bagh, Delhi- 110 088	1,17,882.35/- as on 18.12.2017
5.	Late. Mr. Shyam Sunder Sood	SB a/c no. 1988000102490929, Punjab National Bank, Bhikaji Cama Place, New Delhi-110 066	12,238.63/- as on 05.12.2017
6.	Late. Mr. Shyam Sunder Sood	SB a/c no. 4184000200051579, Punjab National Bank, AM-60, Shalimar -Bagh, Delhi -110 088	85,719.01/- as on 03.12.2017
7.	Late. Mr. Shyam Sunder Sood	SB a/c no. 1522009500005432, Punjab National Bank, Rajendra Place, New Delhi-110 008	12,606.48/- as on 22.06.2017
8.	Late. Mr. Shyam Sunder Sood	SB a/c no. 0258000200000784, Punjab National Bank, Kapurthala, Punjab	3,578/-
9.	Late. Mr. Shyam Sunder Sood	SB a/c no. 0258000200001488, Punjab National Bank, Kapurthala, Punjab	2,903/- as on 02.11.2019
10.	Late. Ms. Mamta Sood	SB a/c no. 0153000100772329, Punjab National Bank, 5 Sansad Marg, New Delhi-110 001	83,417.93/- as on 15.02.2018
11.	Late. Ms. Mamta Sood	SB a/c no. 0637000100241240, Punjab National Bank, B-23, Ashok Vihar, Phase 1, Delhi-110 052	9,427.62/- as on 06.03.2018
12.	Late. Ms. Mamta Sood	SB a/c no. 1988000102491140, Punjab National Bank, Bhikaji Cama Place, New Delhi-110 066	1,68,784.55/- as on 05.12.2017
13.	Late. Ms. Mamta Sood	SB a/c no. 4184001100005192, Punjab National Bank, Shalimar Bagh, Delhi- 110 088	68,311.69/- as on 03.12.2017
14.	Late. Ms. Mamta Sood	SB a/c no. 30115419054 State Bank of India, Ordinance Depot, Shakur Basti, Delhi-110 056	2,741.28/- as on 25.12.2017

PW1/D/II/ [Colly]-Bank Locker:

S.no.	Name of Deceased	Details	Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	Locker No. AT01903, Punjab National Bank, B-23, Ashok Vihar, Phase 1, Delhi-110 052	Not Known

PW1/D/III/ [Colly]-Fixed Deposit Receipts:

S.no.	Name of Deceased	Details	Inception Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	FDR No. 015300DS00022334, Punjab National Bank, 5 Sansad Marg, New Delhi-110 001	34,000/-
2.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DA00017453, Punjab National Bank, B-23, Ashok Vihar, Phase 1, Delhi-110 052	90,000/-
3.	Late. Mr. Shyam Sunder Sood	FDR No. 306100SU00000725, Punjab National Bank, KHRMS, Phase 1, Ashok Vihar, Delhi-110 052	88,522/-
4.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DP00035375, Punjab National Bank, Shalimar Bagh, Delhi-110 088	1,05,000/-
5.	Late. Mr. Shyam Sunder Sood	FDR No. 418400PU00040950, Punjab National Bank, Shalimar Bagh, Delhi-110 088	1,00,000/-
6.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DA00017471, Punjab National Bank, AM-60, Shalimar Bagh, Delhi-110 088	66,019/-
7.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DS00000729, Punjab National Bank, AM-60, Shalimar Bagh, Delhi- 110 088	80,000/-
8.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DS00001795, Punjab National Bank, AM-60, Shalimar Bagh, Delhi- 110 088	40,000/-
9.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DS00001801, Punjab National Bank, AM-60, Shalimar Bagh, Delhi- 110 088	10,000/-
10.	Late. Mr. Shyam Sunder Sood	FDR No. 418400DS00001810, Punjab National Bank, AM-60, Shalimar Bagh, Delhi- 110 088	20,000/-
11.	Late. Mr. Shyam Sunder Sood	FDR No. 418400PU00040941, Punjab National Bank, AM-60,	50,000/-

		Shalimar Bagh, Delhi- 110 088	
12.	Late. Mr. Shyam Sunder Sood	FDR No. 063700DS00000241, Ashok Vihar Branch	88,521/-
13.	Late. Ms. Mamta Sood	FDR No. 015300DP00083037, Punjab National Bank, 5, Sansad Marg, New Delhi- 110 001	35,000/-
14.	Late. Ms. Mamta Sood	FDR No. 198800DP00017002, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	10,787/-
15.	Late. Ms. Mamta Sood	FDR No. 198800DP00017145, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	24,000/-
16.	Late. Ms. Mamta Sood	FDR No. 418400DA00017444, Punjab National Bank, Bhikaji Caraa Place, New Delhi- 110 066	1,75,312/-
17.	Late. Ms. Mamta Sood	FDR No. 418400DA00017480, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	2,31,326/-
18.	Late. Ms. Mamta Sood	FDR No. 418400DP00028427, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	19,16,261/-
19.	Late. Ms. Mamta Sood	FDR No. 418400PU00031606, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	3,92,749/-
20.	Late. Ms. Mamta Sood	FDR No. 418400DA00001610, Punjab National Bank, Shalimar Bagh, Delhi-110 088	39,620/-
21.	Late. Ms. Mamta Sood	FDR No. 418400DP00035302, Punjab National Bank, Shalimar Bagh, Delhi-110 088	16,180/-
22.	Late. Ms. Mamta Sood	FDR No. 418400DP00035418, Punjab National Bank, Shalimar Bagh, Delhi-110 088	26,908/-
23.	Late. Ms. Mamta Sood	FDR No. 418400PU00015130, Punjab National Bank, Shalimar Bagh, Delhi-110 088	1,25,000/-

PW1/D/IV [Colly]-Bonds/Mutual funds/shares in NSDL Holdings:

S.No.	Name of deceased	Details	Face value [Rs.]
1.	Late Mr. Shyam Sunder Sood	Equity-Shares/Preference Shares=Punjab National Bank DP ID: IN300708 Client ID: 10135140	51,76,619.8/- as on 31.07.2019
2.	Late Mr. Shyam	Mutual Funds/ Unclaimed	45,349.18/-

	Sunder Sood	dividends Folio nos. 1004171655,1020134072	as on 31.07.2019
3.	Late Mr. Shyam Sunder Sood	NTPC Limited fixed Interest Bonds	2,500/- as on 31.03.2018
4.	Late Ms. Mamta Sood	Equity-Shares/ Preference shares-Punjab National Bank DP ID: IN300708 Client ID: 10135158	26,65,353.35/- as on 31.07.2019
5.	Late Ms. Mamta Sood	Mutual Funds/ Unclaimed dividends Folio no.1020135009	11,377.32/- as on 31.07.2019

PW1/D/V [Colly]-Public Provident Funds:

S.no.	Name of Deceased	Details	Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	State Bank of India PPF a/c no. 10740282307	18,61,634.13/- as on 31.03.2017
2.	Late. Ms. Mamta Sood	Punjab National Bank PPF a/c no. 525	22,23,012/- as on 27.03.2017

PW1/D/VI [Colly]: National Saving Certificates:

S.no.	Name of Deceased	Details	Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	5yr National Savings Certificate No. 5NS/38EF 415475	10,000/-
2.	Late. Mr. Shyam Sunder Sood	5yr National Savings Certificate No. 5NS/ 38EF 415476	10,000/-
3.	Late. Ms. Mamta Sood	5yr National Savings Certificate No. 5NS/38EF 415473	10,000/-
4.	Late. Ms. Mamta Sood	5yr National Savings Certificate No. 5NS/38EF 415474	10,000/-

PW1/D/VII [Colly]: Life Insurance Policies:

S.no.	Name of Deceased	Details	Value (Rs.)
1.	Late. Mr. Shyam Sunder Sood	LIC of India Jeevan Suraksha- Pension Plan Policy No. 112582984	NA
2.	Late. Mr. Shyam Sunder Sood	LIC of India Policy No. 110387645	NA
3.	Late. Ms. Mamta Sood	LIC of India New Jeevan Dhara-1/ New Jeevan Suraksha Policy No. 331171620	NA
4.	Late. Ms. Mamta Sood	LIC of India Money Back 20yr With Profits policy No. 330384352	NA

5.	Late. Ms. Mamta Sood	Pradhan Mantri Suraksha Bima Yojana statement reflected in SB a/c no. 1988000102491140 Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	12/-
6.	Late. Mr. Shyam Sunder Sood	Pradhan Mantri Suraksha Bima Yojana statement reflected in SB a/c no. 1988000102490929, Punjab National Bank, Bhikaji Cama Place, New Delhi- 110 066	12/-

PW1/D/VIII- Car Insurance Claim:

S.No.	Name of deceased	Details	Value [Rs.]
1.	Late Mr. Shyam Sunder Sood	Car no. DL8CQ7319	1,32,876/-

PW1/E/[colly]- Immovable property:

S.No.	Name of deceased	Details	Value [Rs.]
1.	Late Mr. Shyam Sunder Sood & Late Ms. Mamta Sood	NBCC Heights, Phase II, Sector 89, Gurugram [earlier known as Gurgaon]-122 201, Haryana	85,07,555/-

13. The petitioner would also be at liberty to administer and claim any other or further moveable properties/assets and/or immoveable properties/assets, including shares of the deceased, not mentioned hereinabove and which may be found existing in the name/s of the deceased at any later point of time, and further to do/conduct all such and every act/s to the best of her ability in any manner whatsoever and whensoever.

14. The Letters of Administration be issued to the petitioner/Bhavana Sood, subject to the requisite court fees/stamp duty being furnished in accordance with the valuation report and upon submission of the administration bond and surety, in accordance with law, to the

satisfaction of the Registrar General of this Court.

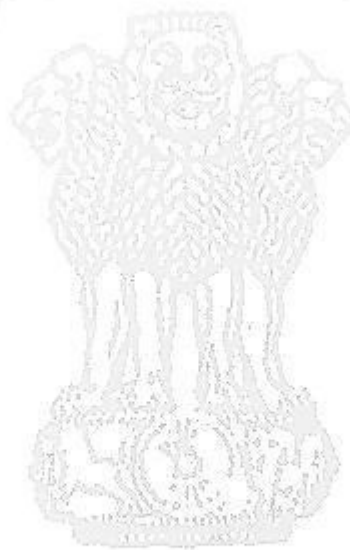
15. Matter be listed before the Registrar General for payment of requisite court fees/stamp duty in respect of the abovementioned immovable and movable property of the deceased and for acceptance of the administration bond and surety bond on 13th September, 2021.

16. The order be uploaded on the website forthwith.

(ASHA MENON)
JUDGE

SEPTEMBER 03, 2021

manjeet/s



नित्यमेव जयते