

Court No. - 9

Case :- TESTAMENTARY CASES No. - 14 of 2023

Petitioner :- Chhedilal In The Matter Of Goods Of Late Usha Devi

Respondent :- Na

Counsel for Petitioner :- Ram Prakash Ram

Counsel for Respondent :- Birendra Kumar Arya

Hon'ble Rohit Ranjan Agarwal,J.

1. Heard learned counsel for the petitioner.
2. Petitioner- Chhedilal s/o Late Ram Tahal is seeking Letters of Administration to the estate and the credits of the deceased Late Usha Devi, who is reported to have died on 12.09.2022 at Pushpawati Singhania Institute Press Enclave Sheikh Sarai New Delhi Shekh Sarai Phase II South Delhi India. A death certificate dated 14.09.2022 has been brought on record, as per which Usha Devi died on 12.09.2022. The next of kin of the deceased has been specified in para 4 of the petition.
3. On the presentation of the petition, notices were directed to be issued to the Administrator General U.P. Notice of this petition was also directed to be served on Board of Revenue of U.P.
4. The citation of the petition was directed to be published in two newspapers namely, 'Times of India' (English) and 'Dainik Jagran' (Hindi) on 15.03.2023, both published from Allahabad (Prayagraj).
5. Learned counsel appearing for Administrator General has filed his report that as per the records maintained in the office of Administrator General U.P. High Court, Allahabad, no case for issuance of letter of administration in respect of estate of Late

Usha Devi has been filed either by petitioner or by any other person in the office.

6. The report of Deputy Registrar, Sadar (Ist), District- Prayagraj dated 24.06.2023 states that the valuation of the property is Rs.6,58,748/-.

7. An affidavit of service has been filed bringing on record original copies of the newspapers 'Dainik Jagran' (Hindi) and 'Times of India' (English)' both published on 24.03.2023 and 25.03.2023, respectively from Allahabad (Prayagraj).

8. Pursuant to that notice, affidavits of no objection has been filed by Manoj Kumar Rai, Mahendra Rai and Seema Rai, sons and daughter of Chhedilal through their lawyer Sri Birendra Kumar Arya.

9. In view of above, the matter is non-contentious in nature.

10. The deceased had died at Pushpawati Singhanian Institute Press Enclave Sheikh Sarai New Delhi Shekh Sarai Phase II South Delhi, India and her death certificate dated 14.09.2022 has been issued by Municipal Corporation of Delhi.

11. The Registrar General of the Court has certified under Rule 8 of Chapter XXX of the Rules of the Court that he has received no intimation from any other High Court or District Court of any grant of probate of any Will or Letters of Administration of the property and credits of the above-named deceased throughout the territory of India. Hence, the present petition is the first and the only petition seeking grant of Letters of Administration to the estate and credits of the deceased.

12. The petitioner has filed details of the property/credits left behind by the deceased. As per the affidavit of valuation, the

estimated total valuation of the property is Rs.6,16,818.40/- (Rupees Six Lacs Sixteen Thousand Eight Hundred Eighteen and Forty Paisa only) which is sum of Rs.5,84,251/- in S.B.I., Branch- Khuldabad, Allahabad, P.P.F. Account No.30752256250 and Rs.32,567.40/- in Allahabad Bank, Branch- Alopibagh, Allahabad, Saving Account No. 50109502643, and the total valuation of property as per the report of Deputy Registrar, Sadar (Ist), District- Prayagraj is Rs.6,58,748/-. The petitioner is directed to deposit the court fees on the amount mentioned in the report of Deputy Registrar, Sadar (Ist), District- Prayagraj which is Rs.6,58,748/-.

13. In view of the aforesaid facts and circumstances, as the petitioner is husband of the deceased and the other heirs of the deceased have expressed their no objection to the grant of letter of administration to the petitioner, coupled with the fact that no one else has appeared to contest the grant, I consider it fit and appropriate to permit the petitioner to administer the estate/credits of the deceased.

14. Accordingly, Letter of Administration is granted to the estate and credits of the deceased Late Usha Devi in favour of the petitioner- Chhedilal s/o Late Ram Tahal subject to the Registrar General certifying payment of court fee as contemplated under Rule 9 of Chapter XXX of the Rules of the Court and on his executing administration bonds in accordance with Chapter XXX Rule 26 of the Rules of the Court. The petitioner will thereafter comply with rules and submit the statement of accounts in the Court in accordance with the rules.

15. Petition is, accordingly, allowed.

Order Date :- 12.10.2023

V.S.Singh