

Court No. - 9

Case :- TESTAMENTARY CASES No. - 29 of 2022

Petitioner :- Ilora Konch In The Matter Of The Goods Of Late Animesh Konch And Another

Respondent :- Na

Counsel for Petitioner :- Kunwar Mayank Singh, Sudhir Mehrotra

Counsel for Respondent :- Sudhir Mehrotra

Hon'ble Rohit Ranjan Agarwal, J.

1. Heard learned counsel for the petitioner.
2. Petitioner- Ilora Konch w/o Late Animesh Konch is seeking Letters of Administration to the estate and the credits of the deceased Late Animesh Konch, who is reported to have died on 12.04.2021 at Swaroop Rani Nehru Hospital, Prayagraj, Uttar Pradesh. A death certificate dated 14.05.2021 has been brought on record, as per which deceased Animesh Konch died on 12.04.2021.
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, 'Northern India Patrika' (English) and 'Aaj' (Hindi) on 31.03.2022, 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 Animesh Konch has been filed either by petitioner or by any other person in the office.

6. As per the report of Deputy Registrar, Sadar (Ist), District-Prayagraj dated 29.09.2022, valuation of the property is Rs.1,49,914.60/- which is in Saving Bank Account No.38881939477, State Bank of India, Govind Pur Branch, Prayagraj.

7. An affidavit of service has been filed bringing on record original copies of the newspapers 'Aaj' (Hindi) and 'Northern India Patrika' (English)' both published on 12.04.2022, from Prayagraj.

8. Pursuant to that notice, affidavit of no objection has been filed by petitioner no.2- Abhishek Konch, through his lawyer Sri Kunwar Mayank Singh.

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

10. The deceased had died at his residence and his death certificate dated 14.05.2021 has been signed by Registrar (Birth and Death), Swaroop Rani Nehru Hospital, Allahabad, Uttar Pradesh.

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.10,84,537.00/, which is sum of Rs.10,00,000/- in T.D.R. Account No.00000038898488312 (CIF No.90441438929) in the State Bank

of India, Govindpur Prayagraj and sum of Rs.84,537/- in Saving Bank Account No.0000003881939477, State Bank of India, Govindpur Branch, Prayagraj, and the total valuation of property as per the report of Deputy Registrar, Sadar Sadar (Ist), District-Prayagraj is Rs.1,49,914.60/-, which is only valuation of the amount lying in the Saving Bank Account No.38881939477, State Bank of India, Govindpur Branch, Prayagraj. The petitioner is directed to deposit the court fees on Rs.11,49,914.60/- (Rs.10,00,000/- + Rs.1,49,914.60/-).

13. In view of the aforesaid facts and circumstances, as the petitioner no.1 is widow of the deceased and petitioner no.2, who is real son of petitioner no.1, has expressed his no objection to the grant of letter of administration to the petitioner no.1, 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 Animesh Konch in favour of the petitioner no.1- Ilora Konch w/o Late Animesh Konch 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 her/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 :- 31.10.2023
SK Goswami