

Court No. - 9

Case :- TESTAMENTARY CASES No. - 56 of 2020

Petitioner :- Sri Mohd. Imran In The Matter Of The Estate Of Late Fakhara Khatoon (Divorce)

Respondent :- Na

Counsel for Petitioner :- Sarwar Ali Siddique, Zaheer Asghar

Counsel for Respondent :- Sudhir Mehrotra

Hon'ble Rohit Ranjan Agarwal, J.

1. Heard learned counsel for the petitioner.
2. Petitioner- Mohd. Imran s/o Mohd. Ibrahim is seeking Letters of Administration to the estate and the credits of the deceased Late Fakhara Khatoon, who is reported to have died on 09.08.2020 at 198/171, Shahganj, Prayagraj. A death certificate dated 24.08.2020 has been brought on record, as per which Fakhara Khatoon died on 09.08.2020. The next of kin of the deceased has been specified in para 3 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, 'Northern India Patrika' (English) and 'Dainik Aaj' (Hindi) on 18.01.2021, 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

Fakhara Khatoon has been filed either by petitioner or by any other person in the office.

6. The report of Deputy Registrar, Soraon, District- Prayagraj dated 04.08.2022 states that the valuation of the property is Rs.15,28,120.16/-.

7. An affidavit of service has been filed bringing on record original copies of the newspapers 'Dainik Aaj' (Hindi) and 'Northern India Patrika' (English)' both published on 17.12.2021 from Allahabad (Prayagraj).

8. Vide order dated 25.05.2023, Mohd Ibrahim was appointed legal guardian of minor daughter of the deceased, Saniya Parveen. An affidavit of no objection has been filed by Mohd Ibrahim through his lawyer Sri Zaheer Asghar.

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

10. The deceased had died at 198/171, Shahganj, Prayagraj and his death certificate dated 24.08.2020 has been signed by Registrar (Birth and Death), Nagar Nigam Zone-1, Khuldabad.

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.13,40,000/-(Rupees

Thirteen Lacs Forty Thousand only) which is in Baroda Uttar Pradesh Gramin Bank, Branch- Kaudihar, Soraon, Allahabad, Account No. 52650100013848, and the total valuation of property as per the report of Deputy Registrar, Soraon, District- Prayagraj is Rs.15,28,120.16/-. The petitioner is directed to deposit the court fees on the amount mentioned in the report of Deputy Registrar, Soraon, District- Prayagraj which is Rs.15,28,120.16/-.

13. In view of the aforesaid facts and circumstances, as the petitioner is son 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 Fakhara Khatoon in favour of the petitioner- Mohd. Imran s/o Mohd. Ibrahim 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 :- 20.11.2023

V.S.Singh