

Court No. - 9

Case :- TESTAMENTARY CASES No. - 89 of 2022

Petitioner :- Onkar Giri In The Mattar Of The Goods Of Late
Prakash Giri

Respondent :- Na

Counsel for Petitioner :- Pradeep Kumar Singh, Yatindra

Hon'ble Rohit Ranjan Agarwal, J.

1. Heard Sri Yatindra, learned counsel for the petitioner.
2. Petitioner- Onkar Giri s/o Niranjana Dev is seeking Letters of Administration to the estate and the credits of the deceased Late Prakash Giri, who is reported to have died on 14.12.2021 at Niranjana Akhara, Mayapur, Haridwar, Uttarakhand. A death certificate dated 05.04.2022 has been brought on record, as per which Prakash Giri died on 14.12.2021. The petitioner is the sole next of kin of the deceased as 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 "Pioneer" and "Aaj", published in English and in Hindi respectively, from Prayagraj and in daily newspaper "Amrit Prabhat" published in Hindi from Haridwar and circulated in Haridwar and in "Hindustan Times" published in English from New Delhi and circulated in Haridwar on 22.09.2022. Later on 19.10.2022, the order dated 22.09.2022 was modified to the extent that publication in daily newspaper "Rashtriya Sahara" in Hindi published from Haridwar and circulated in Haridwar was directed

to be made made instead of "Amrit Prabhat".

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 Prakash Giri has been filed either by petitioner or by any other person in the office.

6. The report of Deputy Registrar, First, District- Prayagraj dated 02.01.2022 is on record. An application No. 4 of 2023 has been filed by the petitioner on 20.04.2023 for discarding the report dated 02.01.2022 submitted by Deputy Registrar, First, Prayagraj insofar as it relates to the amounts mentioned in the schedule of property to the affidavit of valuation at Serial No. 1, 3, 4 and 5. In regard to amount mentioned at Serial No. 2 in the schedule of property, in para no. 4, it has been stated that valuation as given in report dated 02.01.2022 of Rs.42,770/- is accepted. The application no. 4 of 2023 stands allowed.

7. An affidavit of service has been filed bringing on record original copies of the newspapers 'Aaj' (Hindi) and 'Pioneer' (English)' both published on 05.11.2022 and 06.11.2022, respectively from Allahabad (Prayagraj). Further, original copies of newspaper 'Hindustan Times', published in English from New Delhi and circulated in Haridwar and 'Rastriya Sahara' published in 'Hindi' from Haridwar and circulated in Haridwar, published on 05.11.2022 have been brought on record through affidavit of service.

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

9. The deceased had died at his residence and his death certificate dated 05.04.2022 has been signed by Registrar (Birth and Death),

Nagar Nigam, Hardwar.

10. 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.

11. 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.6,51,796.12/- (Rupees Six Lacs Fifty One Thousand Seven Hundred Ninety Six and Twelve Paise only) which is sum of Rs.2,23,529/- in State Bank of India, Branch- Daraganj, Prayagraj, Account No.40340842431; Rs.42,481.12/- in State Bank of India, Branch- Haridwar, Sadhu Bela Road, Sharawan Nath Nagar, Haridwar, Uttarakhand, Saving Account No. 10876871681; Rs.1,28,263/- in State Bank of India, Branch- Haridwar, Sadhu Bela Road, Sharawan Nath Nagar, Haridwar, Uttarakhand, Saving Account No.38358864190, Rs.1,45,741/- in Bank of Baroda, Branch- Haridwar (M), Haridwar, Uttarakhand, Account No. 09260300028081 and Rs.1,11,782/- in Bank of Baroda, Branch- Haridwar (M), Haridwar, Uttarakhand, Fixed Deposit Account No. 09260300031983. The petitioner is directed to deposit the court fees on the amount mentioned in affidavit of valuation.

12. In view of the aforesaid facts and circumstances, as the petitioner is pupil and sole next of kin of the deceased, 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.

13. Accordingly, Letter of Administration is granted to the estate and credits of the deceased Late Prakash Giri in favour of the petitioner- Onkar Giri s/o Niranjan Dev 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.

14. Petition is, accordingly, allowed.

Order Date :- 18.10.2023

V.S.Singh