

In the High Court of Punjab and Haryana at Chandigarh

Probate No. 1 of 2011
Date of decision: 8.10.2015

Gajinder Singh Parmar and another

.....petitioners

Versus

General Public

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Pardeep Sharma, Advocate,
for the petitioners

- 1. Whether Reporters of local papers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Raj Mohan Singh, J.

1. This is a petition under Section 278 read with Section 300 of the Indian Succession Act, 1925 for grant of letter of Administration/ Probate in favour of the petitioners.

2. Petitioner No.1 is son and petitioner No.2 is daughter of late Sh.Jagjeet Singh Parmar, who died on 7.12.2007 at Gurgaon (Haryana). Harinderjeet Kaur Parmar, wife of Jagjeet Singh Parmar also died on 30.9.2004 at Gurgaon. Petitioners claimed that they are entitled to the share of properties left by deceased Jagjeet Singh Parmar and Harinderjeet Kaur Parmar

as per details given in Annexure- A and Annexure- B attached with the petition. Annexure- A relates to movable properties of deceased Jagjeet Singh Parmar and Harinderjeet Kaur Parmar, whereas, Annexure-B relates to immovable property which is jointly owned house at 439, Guru Tegh Bahadur Nagar (G.T.B. Nagar), Jalandhar under the membership of H.U.F. M/s Guru Bachan Singh with PAN No. AACHG8630E. Petitioners claimed that their parents have died intestate without executing any testamentary deposition, bequeathing the properties in favour of any one including the petitioners. Petitioners being Class-I heir of the deceased are entitled to the share in the estate of the deceased and therefore, grant of letter of Administration/ Probate is being prayed for.

3. Petitioners alleged that their parents had also left behind a safe deposit locker No. 324, which was in their joint names in State Bank of India, B 37/38, 2nd Floor, Cannaught Circus, New Delhi. As petitioners were not aware of the contents of that locker so they filed a declaratory suit with consequential relief of permanent injunction with a prayer that they being the class- I legal heirs of their parents, are entitled to the contents of the locker. The said suit is pending in the High Court at Delhi as the bank locker is situated in State Bank of India, Cannaught Circus, New Delhi, which is within the territorial jurisdiction of Court at Delhi. Petitioners moved an application in

the said case for appointment of Local Commissioner to prepare an inventory of the contents of the locker. Since petitioners were not having any key of the said locker, therefore, locker was broken open and the contents were kept in a sealed cover in the custody of the bank. The locker contained jewellery and other articles. Since the properties of the parents of the petitioners are situated at different places, therefore, present petition has been filed. No other proceedings are pending in any Court of law except the suit for declaration and consequent relief of mandatory injunction pending in the High Court of Delhi.

4. The deceased used to reside at B-347 C, Sushant Lok-1, Gurgaon prior to their death. Since the properties of more than ₹ 10,000/- are involved, therefore, this Court has got territorial jurisdiction to entertain the case. The petitioners have shown their readiness to pay ad valorem Court fee in respect of properties shown in Annexure-A and Annexure-B attached with the petition.

5. General public has been impleaded as respondent. Notice was issued to General Public by way of publication in National Daily newspaper (All India Edition, one in Hindi and one in English) on depositing of publication charges by the petitioners as per order passed by this Court. However, none appeared to raise any objection to the present petition for grant of letter of Administration/ Probate.

6. Petitioners were called upon to adduce evidence, vide order dated 9.1.2012, passed by this Court. Petitioner No.2 died on 23.11.2011 during the pendency of petition. Since she was unmarried and her parents predeceased her, petitioner No.1, who is brother of petitioner No.2 is the only legal heir. Petitioner No.1 was ordered to be impleaded as legal representative of petitioner No.2 Raminder Kaur Parmar, since deceased, subject to all just exceptions for the purposes of this petition.

7. Since assets of deceased are located in more than one State, therefore in view of Section 273 of the Indian Succession Act, District Judge has no concurrent jurisdiction to adjudicate such type of claim of probate as involved in this case. Section 15 of CPC for sending the case to the Court of lowest grade competent to try it was found to be not applicable. Therefore, petitioner was called upon to lead his evidence.

8. In support of his case, petitioner Gajindra Singh Parmar himself stepped into the witness box as PW-1. He tendered his affidavit Ex.PW-1/A in his evidence. He also tendered in evidence the death certificates of his parents and sister as Exs. P-1 to P-3, photocopies of four FDRs as Exs.P4 to P-7 and photocopies of seven National Saving Certificates as Exs. P-8 to P-14. He also tendered photocopies of shares and debentures as Exs. P-15 to P-47. Certified copy of sale deed Ex.P-48 was also tendered in evidence besides original

passbook of PPF account, photocopy of which was also tendered as Ex.P-49.

9. He also examined Surinder Razdan, Special Assistant- SBI, Rail Bhawan Branch, New Delhi as PW-2 . He brought certified copies of account statements of three bank accounts, out of which two accounts were jointly held by Jagjeet Singh Parmar and Harinderjit Kaur Parmar and third account was in the name of Jagjeet Singh Parmar only. One joint account and one single account were in his branch, whereas, the other joint account was in Cannaught Circus Branch, New Delhi, which has also authorised him to appear as a witness. He produced certified copies of account statements Exs. P-50 to P-52 and testified the same to be correct according to original record.

10. Similarly, Ajay Sharma, Special Assistant, SBI Rail Bhawan Branch, New Delhi was examined as PW-3. He brought copies of FDR bearing A/c No. 30284128831 for ₹ 12,50,000/- and statements of aforesaid account number in the name of Jagjeet Singh Parmar. Copy of the FDR is Ex.P-53 and copies of statement of account are Exs. P-54 to P-57 (two leaves each). Letter of authorisation is Ex.P-58 (two leaves).

11. I have heard learned counsel for the petitioner and have gone through the case file.

12. Petitioners have duly brought on record the evidence

to show that they are the only Class-I heir of deceased Jagjeet Singh Parmar and Harinderjit Kaur Parmar. Petitioner No.2 has also died during pendency of present petition and petitioner No.1 has been duly brought on record as legal representative of petitioner No.2. The properties of Jagjeet Singh Parmar and Harinderjit Kaur Parmar are found to have situated in the States of Punjab and Haryana as per Annexure-A i.e. list of movable properties and Annexure-B i.e. details of immovable properties at Jalandhar.

13. General Public has been lawfully served by means of publication. No one has turned up to oppose this petition for grant of letter of Administration/ Probate.

14. Petitioner No.1, while appearing as PW-1, has duly proved the certified copies of documents i.e. Ex.P-1 to Ex.P-49 by way of their originals. Similarly, Surinder Razdan, Special Assistant, SBI, New Delhi, while appearing as PW-2, has proved the documents Ex.P-50 to P-52. Ajay Sharma, Special Assistant, SBI, New Delhi, while appearing as PW-3, has proved certified copies of FDR and statements of account as Ex.P-53 to P-57. Letter of authorisation has also been proved and exhibited as Ex.P-58 on record.

15. With the recording of aforesaid witnesses, the evidence of the petitioner was closed. Since no one has turned up to rebut the evidence led by the petitioner, therefore, this

Court feels that the present petition deserves to be allowed by granting letter of authorisation/ probate in favour of petitioner No.1 in respect of properties shown in Annexure-A and Annexure-B attached with this petition.

16. On 10.7.2015, directions were issued to petitioner No.1 to submit written brief regarding the properties left by deceased Jagjeet Singh Parmar. In compliance to aforesaid directions, learned counsel for the petitioner has submitted the relevant detail, which is reproduced herein as under:-

FDRs

i. FDR in State Bank of India, Connaught Circus, New Delhi, A/C No. 30213854153 for Rs. 2,40,000/- (Ex.P-4, Page 51).

ii. FDR in State Bank of India, Connaught Circus, New Delhi, A/C No. 30255732713 for Rs. 2,45,000/- (Ex.P-5, Page 52).

iii. FDR in State Bank of India, Maligaon, Guwahati, Assam A/C No. 30213104700 for Rs. 98,000/- (Ex.P-6, page 53).

iv. Deposit Reinvestment Certificate, Union Bank Of India, Civil Line Branch, Jalandhar for Rs. 25496/-. (Ex. P-7, Page 65)

National Saving Certificate (NSC)

v. NSC No. 17BB910765 for Rs.500/- (Ex.P-8, page 68).

vi. NSC No. 17BB910764 for Rs.500/- (Ex.P-9, Page 69).

vii. NSC No. 17BB910769 for Rs.500/- (Ex.P-10, Page 70).

viii. NSC No. 17BB910768 for Rs.500/- (Ex.P-11, Page 71).

ix. NSC No. 17BB910767 for Rs.500/- (Ex.P-12, Page 72).

x. NSC No. 17BB910766 for Rs.500/- (Ex.P-13, Page 73).

xi. NSC No. 30DD444092 for Rs.5000/- (Ex.P-14, Page 78).

Shares & Debentures

xii. ICICI Limited Debenture (s) (Ex.P-15, Page 79)

xiii. Reliance Petroleum Limited Share Certificate (Ex.P-16, Page 80).

xiv. Reliance Petroleum Limited Share Certificate (Ex.P-17, Page 81).

xv. Reliance Petroleum Limited Share Certificate (Ex.P-18, Page 82).

xvi. Reliance Petroleum Limited Share Certificate (Ex.P-19, Page 83).

xvii. Reliance Petroleum Limited Warrant Equity Share Certificate (Ex.P-20, Page 84).

xviii. Reliance Petroleum Limited Warrant Equity Share Certificate (Ex.P-21, Page 85).

xix. Reliance Petroleum Limited Warrant Equity Share Certificate (Ex.P-22, Page 86).

xx. Reliance Petroleum Limited Share Certificate (Ex.P-

23,Page 87).

xxi. Reliance Petroleum Limited Share Certificate (Ex.P-24,Page 88).

xxii. Reliance Petroleum Limited Share Certificate (Ex.P-25,Page 89).

xxiii. Reliance Petroleum Limited Share Certificate (Ex.P-26,Page 90).

xxiv. Reliance Industries Limited Share Certificate (Ex.P-27,Page 91).

xxv. Reliance Industries Limited Share Certificate (Ex.P-28, Page 92

xxvi. Reliance Petroleum Limited Debentures Certificate (Ex.P-29, Page 93

xxvii. Reliance Petroleum Limited Debentures Certificate (Ex.P-30, Page 94).

xxviii. Reliance Petroleum Limited Debentures Certificate (Ex.P-31, Page 95).

xxix. Reliance Petroleum Limited Tradeable Warrant (Ex.P-32. Page 96).

xxx. Reliance Petroleum Limited Tradeable Warrant (Ex.Ex.P-33 Page 97).

xxxi. Reliance Petroleum Limited Tradeable Warrant (Ex.P-34,Page 98).

xxxii. Reliance Petroleum Limited Tradeable (Ex.P-35, Page 99).

xxxiii. Indraprastha Medical Corporation Certificate (Ex.P-

36, Page 100).

xxxiv. Indraprastha Medical Corporation Limited Certificate
(Ex.P-37, Page 101).

xxxv. Indraprastha Medical Corporation Limited Share
Certificate (Ex.P-38, Page 102).

xxxvi. Indraprastha Medical Corporation Limited Share
Certificate (Ex.P-39, Page 103).

xxxvii. Indraprastha Medical Corporation Limited Share
Certificate (Ex.P-40, Page 104).

xxxviii. Mangalore Refinery and Petrochemical Limited
Share Certificate (Ex.P-41, Page 105).

xxxix. Mangalore Refinery and Petrochemical Limited
Share Certificate (Ex.P-42, Page 106).

xl. Mangalore Refinery and Petrochemical Limited
Debenture Certificate (Ex.P-43, Page 107).

xli. Larsen & Toubro Limited Share Certificate (Ex.P-44,
Page 108).

xlii. Larsen & Toubro Limited Share Certificate (Ex.P-45,
Page 109).

xliii. Larsen & Toubro Limited Share Certificate (Ex.P-46,
Page 110).

xliv. Gulf Oil Corporation Limited Share Certificate (Ex.P-
47 Page 111)

xlv. Sale Deed of H.No 439 Area 1 kanal situated Guru
Teg Bahadur Nagar, Jalandhar (Ex.P-48, (Present Circle
Rate is Rs. 4,80,000/- per marla for Financial Year 2015-

16)

xlvi. Public Provident Fund A/c No. 10211985802, SBI, Rail Bhawan Branch, New Delhi, Balance Rs. 799741.25/- (Ex.P-49, Page 126).

xlvii. Account Statement of A/c 10211914206, SBI, Rail Bhawan Branch, New Delhi (Ex.P-50).

xlvi. Account Statement of A/c 10211951179, SBI, Rail Bhawan Branch, New Delhi (Ex.P-51).

xlix. Account Statement of A/c 10038232934, SBI, Connaught Circus Branch, New Delhi (Ex.P-52).

I. SBI, Rail Bhawan Branch, New Delhi A/c No. 30284128831 Fixed Deposit for Rs. 12,50,000.00/- (Ex.P-53)

li. Account Statements of A/c No. 30284128831 SBI, Rail Bhawan Branch, New Delhi (Ex.P-54- EX.P-57)."

17. In view of aforesaid, this petition is allowed. Letter of Administration/ Probate is ordered to be granted in favour of petitioner No.1 in respect of properties left by Jagjeet Singh Parmar and Harinderjeet Kaur Parmar forming part of details mentioned in Annexure- A and Annexure-B.

**(RAJ MOHAN SINGH)
JUDGE**

October 8, 2015

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