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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TEST.CAS 6/2013

Decided on 22nd July, 2015

ARUNA SACHDEVA

..... Petitioner

Through : Mr. Hemant Manjani, Proxy counsel

versus

THE STATE (NCT OF DELHI) & ORS. Respondents

Through : Mr. Jitender Ratta, Proxy counsel

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

A.K. PATHAK, J. (ORAL)

1. By this petition under Section 273 of the Indian Succession Act, 1925 ("the Act", for short) petitioner has prayed for grant of Letters of Administration in respect of movable and immovable properties left behind by her husband Late Shri Prem Chand Sachdeva (deceased). Respondent nos. 2 and 3 are their children.

2. Petitioner has alleged in the petition that Shri Prem Chand Sachdeva died on 31st August, 2008 at Delhi. He has left behind petitioner, respondent nos. 2 and 3 as his legal heirs. Deceased was the resident of Delhi. Deceased died intestate. He did not make any Will during his lifetime.

Deceased has left behind the movable and immovable properties as detailed in the “Schedule-B” of the petition.

3. As per the “Schedule-B”, deceased has left behind the following movable and immovable properties:-

“1. Half of the portion of the property bearing no 16/24A. Block 16, Double Storey, Moti Nagar, New Delhi – 110015;

2. 38 Shares of Reliance Power Ltd. Vide certificate no. 4068414, Distinctive no. 2397019625 – 2397019662 and 7 Shares of Reliance Capital Vide certificate No.16655716, Distinctive No.0226390897 – 0226390903

3. 24 debentures vide certificate No.12319515, 03991249, 000145151 and 304 Shares of Reliance Industries Ltd. Vide certificate No.14759409, 14759410, 07231781, 07231782, 53665298, 53665299, 53665300, 12319515, 03991249, 10019044,

4. 100 shares of Nandanvan Investments Limited, vide certificate No.003298 and 003299, distinctive Nos. Of the shares are 00347201 to 00347250 and 00347151 to 00347200

5. 50 shares of Larsen & Toubro Limited vide certificates No.636742, 2866652, 4170531, distinctive Nos. 209348284 to 299348303, 100695543 to 100695562, 140857428 to 140857437

6. T-10/SB-10/607, Sapphire Berry Tower, Sector-88, Faridabad, Haryana.

4. Notices were directed to be issued to the respondents. It was further ordered that citation be published in the newspapers “Indian Express” and “Navbharat Times”.

5. After service, respondent nos. 2 and 3 appeared in Court and filed ‘No Objections’ stating therein that they have no objection in case the petition is allowed and Letters of Administration in respect of the properties as mentioned in the petition more particularly in the Schedule B is granted to the petitioner. In fact, respondent nos. 2 and 3 has also mentioned the details of properties left behind by the deceased, which are same as have been detailed in the petition and Schedule B. Respondent nos.2 and 3 have also filed their affidavits in support of the ‘No Objections’. Citations, as directed were duly published in the newspapers “Indian Express” and “Navbharat Times”. However, no one came forward to oppose the grant of “Letters of Administration” to the petitioner.

6. Petitioner has stepped in the witness box as PW1. She has tendered her affidavit Ex. PW1/A in her examination-in-chief. She has fully corroborated the averments made in the petition. She has proved death certificate of the deceased as Ex. PW1/1; copy of voter ID card of the

deceased as Ex. PW1/2; copy of her voter ID card as Ex. PW1/3; copy of Gift Deed dated 7th September, 1994 as Ex. PW1/4; copy of Buyers Agreement dated 20th April, 2007 as Ex. PW1/5. Copies of shares certificates of Reliance Power Ltd., Reliance Capital, Reliance Industries Ltd. as Ex. PW1/6 to Ex. PW1/8, respectively; copies of debentures certificates of Reliance Industries Ltd. as Ex. PW1/9; copy of share certificate of Nandanvan Investments Ltd. as Ex. PW1/10 and copy of share certificate of Larsen & Turbo Ltd. as Ex. PW1/11. Originals of abovereferred documents were produced before the Joint Registrar on 6th September, 2004.

7. In view of the fact that petitioner has proved her case, as set up in the petition and the fact that respondent nos. 2 and 3 have not objected to the grant of Letters of Administration to the petitioner, I am of the view that there is no impediment in granting the Letters of Administration to the petitioner. Sub- Section 218 (1) of the Act envisages that if the deceased has died intestate and was a Hindu, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate. Sub-Section 2 postulates grant of such

administration to any one or more such person/persons by the court when several such persons apply for such administration. Petitioner is one of such persons entitled to succeed the estate of the deceased and Letters of Administration can be granted to her.

8 For the foregoing reasons, Letters of Administration is granted to the petitioner in respect of the estates of deceased as detailed in the Schedule B to the petition, subject to payment of requisite court fee, valuation of estate of the deceased and furnishing of Administration Bond with one surety by the petitioner, to the satisfaction of the Registrar General of this Court.

9. Petition is disposed of in the above terms.

A.K. PATHAK, J.

JULY 22, 2015

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