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

\+ TEST.CAS. 56/2015

SANJEEV KUMAR JUNEJA & ORS ..... Petitioners
Through: Mr. Rajesh Banati, Advocate

versus

STATE ..... Respondent
Through: Mr. Devesu Singh, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

<u>O R D E R</u>
% 16.12.2015

1. The petitioners(three sons of late Shri Rajender Prasad Juneja and late Smt. Krishna Kumari Juneja), have filed the present petition under Section 372 of the Indian Succession Act, 1925 for grant of a Succession Certificate in their favour in respect of shares, debenture and securities owned by their mother, who had died *intestate* on 3.2.2010.

2. It is stated by learned counsel for the petitioners that the father of the petitioners, Shri Rajender Prasad Juneja had expired on 14.12.1989 and he was survived by his wife(Smt. Krishna Kumari Juneja) and the petitioners as his class-I heirs. Smt. Krishna Kumari

Juneja, had died intestate on 3.2.2010, leaving behind the petitioners herein as her class-I heirs.

3. Notice was issued in the present petition on 30.7.2015, returnable before learned Joint Registrar on 21.9.2015. The petitioners were directed to serve the respondent/Govt. of NCT of Delhi through publication in the English daily "The Statesman" and the Hindi daily "Dainik Jagran", Delhi edition and they were directed to file a copy of the citations before the Joint Registrar. In his order dated 16.10.2015, the learned Joint Registrar had recorded that the citations had been duly published in the English daily "The Statesman" on 13.8.2015 and in the Hindi daily "Dainik Jagran" on 21.8.2015.

4. Mr. Devesu Singh, Advocate had entered appearance on behalf of the State before learned Joint Registrar on 7.12.2015. He states today that he has no objection to the prayer made in the present petition being allowed.

5. Learned counsel for petitioners submits that in support of the averments made in the present petition, the petitioner No.1 has filed an affidavit by way of evidence dated 17.11.2015 and he had appeared before learned Joint Registrar on 14.12.2015 for tendering the said affidavit which has been marked as Ex.PW-1/A. Enclosed with the said affidavit is a letter dated 26.6.2013, issued by Karvy

Computershare Private Limited, the Registrar of Shares in respect of a Public Limited Company, Hindustan Unilever Limited, in which the deceased was holding 2240 shares as a sole holder against Folios No.2910438 and 1126892. The said letter has been marked as Ex.PW-1/5. By the said letter, the Registrar of Shares had intimated the petitioner No.1 that if the shareholder had died *intestate*, the claimants to the shares of the deceased holder have to produce the legal documents for registering the transmission of shares in their favour, which includes a Succession Certificate or a Letter of Administration granted by the competent court vested with jurisdiction.

6. It is submitted that the deceased had expired at St. Stephens Hospital, Delhi on 3.2.2010 and her death certificate has been filed along with the list of documents and marked as Ex.PW-1/1. At the time of her demise, the deceased held 2240 shares in Hindustan Lever Limited, the details whereof have been furnished in para 4 of the affidavit. The original two share certificates, one for 2040 shares and other for 200 shares have been filed by the petitioners, along with the list of documents and have been marked as Ex.PW-1/2 and PW-1/3, respectively. The petitioner No.1 has further deposed that the market rates of the aforesaid shares on the date of filing of the petition on

3.7.2015, as shown by the BSE and the NSE on the internet, were Rs.924.05 paise and Rs.924.50 paise per share respectively and thus, the total value of 2240 shares as per the BSE index would come to Rs.20,69,872/- and as per the NSE index, would come to Rs.20,70,880/-. The said details have been filed under index 13.7.2015 and are marked as Ex.PW-1/4.

7. Counsel for the petitioners states that in view of the letter dated 26.6.2013(Ex.PW1/5), the present petition has been filed for grant of a Succession Certificate in respect of the share certificates held in physical form in the name of late Smt. Krishan Kumari Juneja. He points out that petitioners No.2 and 3 have already filed their affidavits giving their no objection to the grant of the Succession Certificate in favour of the petitioner No.1 alone and orders may be passed accordingly.

8. There is no opposition to the present petition from any quarter. A perusal of proceedings recorded before learned Joint Registrar on 14.12.2015 reveals that the petitioner No.2, Shri Rajeev Kumar Juneja and petitioner No.3, Shri Pradeep Kumar Juneja who are the other legal heirs of the deceased, had appeared on the said date and their statements were recorded to the effect that they do not have any objection if the Succession Certificate is granted in favour of the

petitioner No.1.

9. In view of the aforesaid position, the present petition is allowed and a Succession Certificate is granted in favour of the petitioner No.1 in respect of 2240 shares(2040+200) held by late Smt. Krishan Kumari Juneja with Hindustan Lever Limited, as per the two share certificates bearing Folio No.1126892 and distinctive Nos.0045218771 to 0045220810 and Folio No.2910438 bearing distinctive Nos.1137584401 to 1137584600, respectively.

10. The petitioner No.1 shall pay the requisite court fees on the value of the shares as reflected by the NSE on 3.7.2015. The petitioner No.1 shall also furnish the requisite Administration Bond and Security Bond in accordance with law.

11. The petition is allowed and disposed of.

HIMA KOHLI, J

DECEMBER 16, 2015
sk/mk