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

\+ TEST.CAS. 45/2016

JATINDER KUMAR KHANNA ..... Petitioner

Through: Mr. Varun Nischal, Adv.

Versus

THE STATE (NCT OF DELHI) & ORS .... Respondents

Through: Mr. Rahul Bakshi and Mr. Nishant Sharma, Advs. for R-1.
Mr. Sunil Dalal and Mr. Vivek Jain, Advs. for R-2.
Mr. Mahesh K. Chaudhary, Adv. for R-3.
Mr. Khushhal Mohal, Adv. for R-4.
Mr. Arnav Sethi, Adv. for R-5.
Mr. Ashish Batra and Mr. Honey Jain, Advs. for R-6.
Mr. Jai Mal Kapoor, PRI(P), Post Office, Ashoka Road, New Delhi.
Mohd. Khadim Khan, Adv. for R-9.

AND

TEST.CAS. 46/2016

JATINDER KUMAR KHANNA ..... Petitioner

Through: Mr. Varun Nischal, Adv.

Versus

THE STATE & ANR ..... Respondents

Through: Mr. Rahul Bakshi and Mr. Nishant Sharma, Advs. for R-1.
Mr. Sunil Dalal and Mr. Vivek Jain, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% **22.11.2016**

1. This order is in continuation of the earlier order dated 23rd August, 2016.

2. All the respondents are stated to have been served.

3. I have enquired from the counsel for the petitioner and the counsel for the respondent No.2 Punjab National Bank (PNB), Pahargang, New Delhi whether the inventory of the contents of the safe deposit locker has been prepared. I am told that the same has not been done owing to the mother of the authorised representative of the petitioner being unwell.

4. I have further enquired from the counsels for the respondent No.2 PNB, respondent No.3 Oriental Bank of Commerce, respondent No.4 State Bank of Hyderabad, respondent No.5 Central Bank of India, respondent No.6 State Bank of Mysore and the counsel for respondent No.9 UTI Mutual Fund in Test.Cas. No.45/2016, whether any of them are disputing the accounts/deposits of the deceased in their respective banks as pleaded by the petitioner.

5. The counsel for the respondent No.9 UTI Mutual Fund states that the records being very old could not be verified and seeks a direction to the petitioner to contact Mr. Shashikant Jha, A.R., UTI Mutual Fund, 13th Floor, Jeevan Bharti Towar-II, Connaught Place, New Delhi for the records to be traced.

6. The counsel for the respondent No.4 State Bank of Hyderabad states that one of the accounts mentioned was the pension account of the deceased Mr. Vinod Kumar Khanna and pension had been credited in the said account upto November, 2011 and on learning that Mr. Vinod Kumar Khanna had expired on 20th April, 2008, the excess pension credited to the said account is to be remitted back to the Pension Disbursing Authority.

7. Though the counsel for the petitioner states that he will have to take instructions with respect thereto but there can be no two opinions about the said fact. The respondent No.4 State Bank of Hyderabad may proceed to remit back the excess amount credited to the pension account in accordance with law.

8. Mr. Jai Mal Kapoor, Public Relations Inspector of respondent No.7 General Post Office, Ashoka Road, New Delhi appears in person and also confirms the account with respect to which letters of administration is sought.

9. None appears for respondent No.8 Dsp Black Rock Small & Mid Cap Fund despite service.

10. The respondent No.8 is proceeded against *ex-parte*.

11. The counsel for the respondent No.1 State has in compliance of para 10 of the order dated 23rd August, 2016 handed over in the Court the valuation report of property No.158-C, Pocket A&B, MIG Flats, Dilshad Garden, Delhi. The same is taken on record in Test.Cas. No.46/2016.

12. I am of the view that since the deceased, with respect to whose estate letters of administration are sought in both petitions, has not left any close relatives and further since the petitioner has produced, though photocopies

of the certified copies of death certificate of the deceased Sh. Vinod Kumar Khanna and Ms. Sharda Khanna before this Court, no purpose will be served in directing the petitioner to file affidavit by way of examination-in-chief in his *ex-parte* evidence. The petitions are already accompanied with affidavits of the attorney of petitioner.

13. The petitioner is otherwise found a fit person for being issued the letters of administration as sought.

14. The petitions are accordingly allowed; the letters of administration as sought are ordered to be issued to the petitioner, subject to the petitioner complying with the requisite formalities i.e. furnishing the administration bond with security bond in the sum of Rs.1 crore and paying the court fees on the total value of the assets as shown in the petitions.

15. All the respondents may appear before the Joint Registrar on 31st January, 2017 to furnish certificates of the total amount of deposits as of today held by them in the accounts listed in the petitions and the valuation of the contents in the locker and on the basis whereof the court fees payable be computed.

16. List before the Joint Registrar for the aforesaid limited purpose on 31st January, 2017.

17. The petitions are disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 22, 2016
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