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

+ TEST.CAS. 24/2016

MRS UMA DATTA

..... Petitioner

Through: Mr Riju Raj Jamwal and Mr Munazir
Hasan, Advocates.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr Arun Kumar and Mr Iram Majid,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.02.2017

1. The petitioner has filed the present petition under Section 278 of the Indian Succession Act, 1925 seeking grant of Letters of Administration in respect of shares owned by Late Vice Admiral Narpati Datta (Husband of the petitioner herein and hereafter referred to as "the Deceased"), who had died intestate on 10.10.2003.
2. The petitioner (hereafter "PW1") has filed an affidavit by way of evidence affirming the averments made in the petition. PW1 states that the Deceased died, intestate, on 10.10.2003. The death certificate of the deceased has been placed on record, which is exhibited as Exh PW1/A.
3. It is stated that the Deceased is survived by his wife (PW1) and 4 children, namely Ms Malini Khanna, Ms Radhika Dabash, Ms Amita Agarwal and Mr Vivek Dutta, who have been impleaded as respondent Nos. 2-5 respectively, as his class I legal heirs. PW1 has placed on record a surviving member certificate issued by the Office of Deputy Commissioner

(South District), Delhi, which states that the Deceased expired on 10.10.2003 and was survived by the petitioner and respondent no.2-5. The same is exhibited as ExhPW1/B. PW1 has also placed on record the Share Certificate (ExhPW1/C) in favor of the Deceased certifying the Deceased as the registered holder of 1496 equity shares of CEAT Limited.

4. Respondent Nos. 2 to 5 have also filed their replies stating their no-objection, if the present petition is allowed.

5. I have the learned counsel for the petitioner.

6. In view of the above, PW1 has duly proved that the Deceased died on 10.10.2003 by producing the Death Certificate of the Deceased. PW1 has also duly proved that Deceased had left only the petitioner and respondent no2-5 as his class- I legal heirs by producing the Surviving Member Certificate.

7. Mr Riju Raj Jamwal, Advocate, the learned counsel for the petitioner has filed a valuation report of 1496 shares of CEAT Limited held by the Deceased.

8. Although Citation was published in the "Statesman", Delhi Edition dated 14.05.2016 and "Mid day", Mumbai Edition dated 12.09.2016, no objection has been received against the present petition. Accordingly, there is no legal impediment in granting the letters of administration to the petitioner.

9. Accordingly, the letters of administration, in respect of 1496 shares held by Late Vice Admiral Narpati Datta (the Deceased) of CEAT Limited,

as per Share Certificate bearing Reg. Folio No. ZVN0001159, be granted in favor of the petitioner on furnishing of the requisite court fee, subject to the satisfaction of the Registrar General of this Court. The requirement of the furnishing an administrative bond and surety are dispensed with.

10. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 21, 2017
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