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

+ TEST.CAS. 6/2015

ANURADHA RISHI

..... Petitioner

Through: Mr.D.R.Bhatia with Ms.Harsha,
Advocates.

versus

STATE & ANR

..... Respondent

Through: None.

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Date of Decision: 06th November, 2017

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J (Oral):

1. Present petition has been filed by the petitioner under Section 372 of the Indian Succession Act, 1925, for grant of succession certificate to the estate of late Sh. Anukool Rishi.
2. It is stated that the petitioner is the mother of Sh. Anukool Rishi, who expired on 19th February, 2012 at New Delhi, leaving behind the following two legal heirs:
 - a. Anuradha Rishi (Mother)
 - b. Smt. Aditi Rishi (Wife)
3. In the petition, it has been averred that late Sh. Anukool Rishi resided permanently in New Delhi and had his fixed place of abode at F-79/18, W-1 Lane, Sainik Farms, New Delhi-110062. It is further averred that the Sh. Anukool Rishi died intestate and that despite due and diligent search, no will of

the deceased has been found.

4. Notice was issued on the present petition on 30th January, 2015. Citation was also directed to be issued, which came to be published in the English edition of the daily newspaper 'Indian Express' and Hindi edition of daily newspaper 'Jansatta'. No objections have been received to the petition after publication of the citation.

5. On 01st December, 2015, learned counsel for the respondent no.2 had made a statement that possibly respondent no.2 would have no objection if the present petition is allowed. Since thereafter, none has appeared on behalf of respondent no.2, nor has any objection been filed on behalf of respondent no.2 till date. The right of respondent no.2 to file the objections stood closed on 12th October, 2017.

6. Ms. Anuradha Rishi, mother of Sh. Anukool Rishi has filed her affidavit by way of evidence.

7. The petitioner has produced the photocopy of the Death Certificate of Sh. Anukool Rishi and the same is marked as A.

8. It has been averred by Ms. Anuradha Rishi in her affidavit that she is entitled to one half share of the estate left behind by the deceased and the remaining half share rests with the other legal heir of the deceased, i.e. Smt. Aditi Rishi. The relevant portion of the affidavit filed by Ms. Anuradha Rishi is reproduced hereinbelow:-

“4. That my son Shri Anukool Rishi, died intestate and that due and diligent search has been made for a Will, but none has been found.

5. That the deceased Shri. Anukool Rishi left behind him the following as his only next-of-kin/legal heirs:

a) Anuradha ishi - Mother (the Petitioner herein);

b) Smt. Aditi Rishi - Wife

Besides the above, Shri. Anukool Rishi did not leave behind any other legal heirs.

6. *That being the mother of the deceased Shri. Anukool Rishi, I am entitled to one-half share of the estate left behind by my son; while the remaining half share rests with the other legal heir of the deceased, i.e., Smt. Aditi Rishi. The Respondent No.2 Aditi Rishi has no objection to the grant of Succession Certificate in my favour with respect to the estate set forth in the Petition.*

7. *That the deceased person has left behind various moveable assets. I have truly set forth in my present Petition all the property and credits which Shri. Anukool Rishi possessed of or entitled to at the time of this death, and so far as I have been able to ascertain or am aware, there are no properties or credits of the said Shri. Anukool Rishi, other than what are specified in Petition."*

9. In view of the above, this Court is satisfied that the petitioner has succeeded in proving that the deceased Shri. Anukool Rishi had expired intestate and that the Petitioner and the Respondent no.2 are the sole surviving legal heirs of the deceased.

10. Consequently, the present petition is allowed. The Succession Certificate for one half of the estate of late Sh. Anukool Rishi is granted in favour of the Petitioner subject to her submitting an administrative bond with one surety in accordance with law.

MANMOHAN, J

**NOVEMBER 06, 2017
RS/KA**