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

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Date of Decision: 28.11.2017

+ TEST.CAS. 70/2014

INDU BANSAL Petitioner
Through Mr. D.D. Singh, Advocate

versus

STATE Respondent
Through None

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (ORAL)

1. The petitioner filed this present petition under section 278 and 300 of the Indian Succession Act for grant of letter of administration with respect to the assets left behind by her deceased brother Late Shri Inderjeet Gupta (*hereinafter referred to as "the deceased"*).
2. Brief facts leading to this petition are that the deceased was an employee of LIC deputed as an Administrative officer. On 29.10.2005 the deceased along with his wife, namely, Smt. Prachi Gupta and daughter, namely, Sonakshi Gupta expired in the bomb blast incident in Sarojini Nagar Market, New Delhi.
3. The deceased's parents also pre-deceased him making the petitioner, the real sister of the deceased, as the sole legal heir.

4. The deceased has expired without any will or testament with respect to his movable and immovable properties.

5. It is submitted by the petitioner that she had earlier filed a similar petition in the District Court, which was allowed on 21.02.2007 with respect to the deceased LIC policies, bank deposits and one Flat No. D-2A, 100A, Janak Puri, New Delhi. Thereafter, it came to the notice of the Petitioner that there were several other assets left behind by the deceased including a Flat No. 384-G Sector-P-1-01, Gulmohar Estate, Greater Noida (*hereinafter referred to as "the said property"*). Hence, this present petition is filed with respect to the assets left behind by the deceased.

6. As per order dated 23.03.2016 it was noted by this court that despite service of summons to the respondent none has appeared. There is hence no contesting respondent in this matter. Evidence was recorded of the petitioner and arguments have been heard in this petition.

7. The petitioner tendered her affidavit Ex. PW1 in evidence wherein she deposed that she was the real sister of the deceased and was the only legal heir left behind him. His death certificate is marked Ex. PW1/2-4. She had earlier filed a similar petition with respect to the movable and immovable properties of the deceased in the District Court which was allowed on 21.02.2007 (Ex. PW1/1). Further, the deceased was also allotted the said property by Greater Noida Authority. Copy of Allotment cum Allocation Letter by the authority dated 20.04.2002 is Ex. PW1/5. The deceased had availed a loan for payment of the said property. Eventually the loan account became NPA. Subsequently, it was taken over by one company, namely, Arcil Arms division of Asset Re-construction Co. (India) Ltd. The petitioner thereafter liquidated the entire loan amount to the said company from which

a no dues certificate was issued (Ex. PW1/6). The details of remaining certificate/assets issued to the deceased are given in her evidence which are Ex. PW 1/7-10. Same has been reproduced herein:

LIST OF ASSETS LEFT BY DECEASED SH. INDERJEET GUPTA

- a. Terminal benefits of LIC in regard to LIC*
 - Group Insurance* Rs. 7,00,000/-
- b. LIC GTIS* Rs. 2,00,000/-
- c. Proceeds of LIC Policy No. 111236960* Rs. 50,000/-
- d. NSC 4 Nos.*
 - 1. Certificate No. 980013* Rs. 10,000/-
 - 2. Certificate No. 747094* Rs. 5,000/-
 - 3. Certificate No. 549583* Rs. 10,000/-
 - 4. Certificate No. 549584* Rs. 10,000/-
- e. Flat No. 384-G Sector-P-1-01, Gulmohar*
Estate Greater Noida,

The petitioner has filed the present petition for the grant of Letter of Administration in respect of the assets left behind by deceased.

8. I have perused the statement of the petitioner. She has proved that the deceased expired in the bomb blast along with his wife and daughter on 29.10.2005 and that she is the only legal heir left behind. Hence, she is entitled to inherit the assets left behind by her deceased brother.

9. The petition is allowed. Letter of administration is issued in favour of the petitioner as per the details given in the above para on furnishing court fees and execution of administration and surety bond.

10. No orders as to cost. Petition is disposed off.

JAYANT NATH, J.

NOVEMBER 28, 2017/ss