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

+ TEST.CAS. 79/2013

SHIV KUMAR VERMA

..... Petitioner

Through

Mr. Vijay Kasana with Mr. Sudhir
Naagar and Ms. Chetna Singh,
Advocates

versus

STATE

..... Respondents

Through

None

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Date of Decision: 25th October, 2017

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present petition has been filed for grant of Letters of Administration under Sections 218 and 278 of the Indian Succession Act, 1925 with respect to the estate of deceased Smt. Sita Rani Verma.

2. It is stated that Smt. Sita Rani Verma, wife of Late Ajay Prakash Verma and mother of petitioner no.1, i.e. Shiv Kumar Verma, expired on 18th November, 2001, leaving behind the following two legal heirs:

- a. Ajay Prakash Verma (Husband)
- b. Shiv Kumar Verma (Son)

3. It is averred in the petition that during her lifetime the deceased was ordinarily residing and had permanent abode with the petitioner. The deceased is stated to have purchased one immovable property bearing Plot no. 180A, Block J, Phase-II, Okhla Enclave, Faridabad, Haryana and had all interests and rights in the said property.
4. It is stated in the petition that after the death of Smt. Sita Rani Verma, the aforementioned legal heirs had filed a petition for grant of letters of administration before Karkardooma Courts. However, the same was withdrawn vide order dated 2nd April, 2013, in view of the bar of Section 273(b) of the Indian Succession Act, 1925. It is stated that thereafter the present petition for grant of letters of administration, in respect of the aforementioned property, was filed before this Court.
5. The petitioner has also filed a certified copy of the Legal Heir Certificate issued by the concerned SDM.
6. Notice was issued on the present petition on 16th April, 2014. Citation was also directed to be issued, which came to be published in the English edition of the daily newspaper “Hindustan Times” and Hindi edition of daily newspaper ‘Navbharat Times’. Despite publication of citation, no objection has been filed till date.
7. Vide order dated 26th April, 2016, the Joint Registrar of this Court held that the husband of the deceased, i.e. Ajay Prakash Verma, also expired on 24th January, 2016 and the present petitioner is the only surviving Class-I heir of the deceased, Smt. Sita Rani Verma.
8. Mr. Shiv Kumar Verma, son of Smt. Sita Rani Verma has filed his affidavit by way of evidence. The said affidavit has been exhibited as Ex. PW1/X. The petitioner has proved the following documents:-

- a. The death certificate of the deceased, Smt. Sita Rani Verma, as Ex. PW1/A.
- b. Copy of the agreement dated 24th December, 1996 entered by Late Smt. Sita Rani Verma with the builder for the purchase of the property as Ex.PW1/B(Colly.).
- c. Copy of the payment receipt dated 14th January, 1997 as Ex.PW1/C.
- d. Copy of the ID proofs of the petitioner as Ex.PW1/D(Colly.).
- e. The death certificate of Late Ajay Prakash Verma as Ex.PW1/E.
- f. Copy of the order dated 2nd April, 2013 and statement of the petitioner as Ex.PW1/G.
- g. Certified copy of the Valuation report filed before the Ld. Trial Court as Ex.PW1/H.

9. In view of the aforementioned facts and evidence, the present petition is allowed and the Letters of Administration is issued in favour of the petitioner enabling him to administer the estate of deceased Smt. Sita Rani Verma, subject to the petitioner filing the requisite Court fee in terms of the valuation report and submitting an administrative bond with one surety in accordance with law.

10. List before Joint Registrar on 14th November, 2017 for determination of Court fees to be paid.

MANMOHAN, J

OCTOBER 25, 2017

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