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

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Date of Decision: 7th February, 2017

+ **FAO 261/2016 & CMs 21342/2016, 44522-44523/2016**

PURNIMA

..... Appellant

Through: Mr.P.S. Datta, Sr. Adv. with
Mr.K.P. Singh, Mr.Abdul,
Adv.

versus

**THE STATE GOVT. OF NCT
OF DELHI & ANR.**

..... Respondents

Through: Ms.Silvy Gupta, Adv. for R-1
Mr.Kirti Uppal, Sr. Adv. with
Mr. Rahul Singh Chauhan,
Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. Learned senior counsel for the appellant submits that late Ram Prashad Sinha died intestate on 11th October, 1989 and he was survived by his widow, Gurudevi Sinha; daughter, Vijay Laxmi and son, Ishwar Chand Srivastava. Gurudevi died on 7th March, 1990 and Vijay Laxmi died on 17th November, 2003. The appellant is the daughter of late Vijay Laxmi. The appellant and respondent No.2 are the surviving legal heirs and they have inherited 50% share each in the estate of late Ram Prashad Sinha. It is submitted that the letter of

administration be issued jointly to the appellant and respondent no.2 who have equal share in the assets and liabilities of late Ram Prashad Sinha.

2. Mr. Kirti Uppal, learned senior counsel for respondent no.2, on instructions from respondent no.2, present in Court submits that he has no objection to the letters of administration being issued to the appellant and respondent no.2 who have equal undivided share in the assets and liabilities of late Ram Prashad Sinha and late Gurudevi Sinha.

3. Learned senior counsel for respondent no.2 submits that the DDA had allotted plot bearing no.112, Sandesh Vihar, Pitampura, Delhi to late Ram Parshad Sinha but the possession thereof has not yet been received from the society and DDA has raised a huge liability. It is submitted that the appellant and respondent no.2 have to initiate appropriate legal proceedings to contest the liability and recover the possession of the plot.

4. With the consent of both the parties, the impugned judgment dated 29th February, 2016 is modified and the letters of administration in respect of the estate of late Ram Prashad Sinha are directed to be issued to the appellant and respondent no.2 who are the legal representatives of the deceased, late Ram Prashad Sinha and have equal share in the assets and liabilities of late Ram Parshad Sinha including plot bearing no. 112, Sandesh Vihar, Pitam Pura, Delhi, on deposit of the requisite stamp papers and necessary bond(s).

5. The appeal and the pending applications are disposed of in the above terms.

6. This Court appreciates the assistance rendered by learned senior counsels for both the parties.

7. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

FEBRUARY 07, 2017
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J.R. MIDHA, J.

