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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 990/2016**
LIVING MEDIA INDIA LIMITED AND ANOTHER

..... Petitioner

Through: Mr. Tejas Parashar & Mr.Sajad
Sultan, Advocates

versus

MANDEP KAUR & ANOTHER

..... Respondent

Through: None

CORAM:
MS. DEEPALI SHARMA (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER
% **19.02.2018**

The memo of cost prepared by the Officer on the basis of material available with it, has been checked by concerned Assistant Registrar/Administrative Officer (Judicial). The calculation made by the Office is accepted and cost of the suit are taxed at **Rs. 23,434.60 (Rs. Twenty Three Thousand Four Hundred Thirty Four and Sixty Paisa only).**

DEEPALI SHARMA (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 19, 2018/nk

Dr. Geeta Mayor Vs. State
IA..No. 10086/2017 in TEST.CAS. 14/2004

The present application has been filed by the petitioner under Section 151 CPC for deletion of name of respondent no.4 namely, Shri Ravi Mayor from the array of parties.

The present petition has been filed by the petitioner for grant of letters of Administration in respect of WILL dated 22.04.2008 of late Ms. Lekha Mayor. ON 19.08.2014, no objection to the present petition was given by respondent no.4. and even otherwise no objection to the present petition have been filed by respondent no.4.

It is stated that respondent no.4 expired on 03.11.2016 and a copy of death certificate dated 06.02.2017 is annexed herewith. It is further stated that respondent no.4 did not marry during his lifetime. On 06.07.2010, he executed a WILL whereby he bequeathed all his properties in favour of the petitioner. A copy of the WILL dated 06.07.2010 is annexed with the application.

It is stated that by virtue of the WILL dated 06.07.2010, the petitioner represents the estates of respondent no.4 and therefore the present application has been moved by the petitioner seeking deletion of respondent no.4 from the array of parties.

In their reply, respondent no.2 & 3 have contended that they are the niece and the nephew of respondent no. 4 and therefore would be entitled to a share in his estate inasmuch as the petitioner has not proved the authenticity of the WILL dated 06.07.2010 executed by the deceased respondent no.4. It is contended that post the demise of respondent no.4, his legal heirs would be required to be arrayed as parties to the present petition

and therefore the petitioner is not entitled to the prayer sought by way of present application.

From the aforestated, it is apparent that the petitioner is claiming deletion of respondent no.4 by virtue of WILL dated 06.07.2010, which is disputed by respondent no.2 & 3 and also by respondent no.1 during the course of arguments. The said WILL dated 06.07.2010 is not yet proved. It is an admitted position that respondent no. 4 was unmarried at the time of his demise on 03.11.2016 therefore by the virtue of Hindu Succession Act, 1956 as amended in 2005, the legal heirs of respondent no.4 would be entitled to the estate of respondent no.4. In these circumstances, the petitioner cannot claim itself to be the sole legal representative of respondent no.4 by virtue of WILL dated 06.07.2010. The application filed by petitioner is accordingly dismissed.