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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 62/2016**
MRS RENU MALHOTRA Petitioner
Through Mr. D. R. Bhatia, Adv.
versus
STATE & OTHERS Respondent
Through

CORAM:

SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 10.11.2017

IA No.13174/2017 u/S 151 CPC moved by petitioner for modification in order dated 09.10.2017 passed by learned Joint Registrar

By way of the present IA, petitioner has sought modification in the order dated 09.10.2017 passed by the learned Joint Registrar. It is submitted by the applicant that vide order dated 09.10.2017 report has been called from the SDM concerned but as per the previous record of the case, there was no such requirement to seek the report as no immovable property is involved. Further that Succession Certificate has already been granted by the Hon'ble Court.

It is matter of record that none has been appearing on behalf of the respondents after 27.07.2017. Moreover, the proceedings being carried out by the undersigned are administrative in nature. Hence in these circumstances, I do not feel any requirement for sending the notice of the present IA to the respondents.

Heard. Records are perused.

It is mentioned in order dated 30.09.2016 that it was submitted by learned counsel for respondent no.1 that no immovable property is

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mentioned in the petition, hence no valuation report was filed. Further in order dated 27.07.2017 also it is mentioned by the Hon'ble Court that since no immovable property has been bequeathed no affidavit of the SDM concerned is required and succession certificate was ordered to be issued.

I have gone through the order dated 09.10.2017, where it is mentioned that report has already been filed by the concerned SDM on 16.05.2017 but it is not clear as to under what circumstances the report was called from/filed by the SDM concerned. The Joint Registrar directed the SDM to conduct physical verification of the property in question and prepare the valuation report but the facts and circumstances of the case suggest that there was no such requirement for calling of the valuation report. It seems that the directions regarding valuation report have been issued by the learned Predecessor due to oversight without there being any such requirement.

In these circumstance, the request made by the petitioner, by way of the present IA is found to be bonafide one. I am satisfied that there is requirement for modification in the order dated 09.10.2017. Hence order dated 09.10.2017 stands modified to the extent that no further report from the concerned SDM is required.

Vide order dated 12.09.2017, the Hon'ble Court had modified the order dated 27.07.2017 and the requirement of the petitioner to furnish administration/surety bond has been dispensed with.

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Let succession certificate be issued on filing of requisite court fee/stamp duty by the petitioner. The next date of hearing i.e. 07.12.2017, earlier given stands cancelled. IA stands disposed of.

Copy of the order be sent to the SDM concerned for information.

SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 10, 2017/ab