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

+ **W.P.(C) 5413/2017**

NARESH WADHAWAN

..... Petitioner

Through: Mr Vinay Kumar, Advocate.

versus

STATE

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.07.2017

1. The petitioner has filed the present petition under Article 226/227 of the Constitution of India impugning an order dated 07.04.2012 passed by the learned Additional District Judge, rejecting the petitioner's application for condonation of delay in placing the inventory and the statement of account in compliance of the order passed by the ld. ADJ on 10.07.2014, whereby the petitioner was granted the Letter of Administration in respect of the properties of the petitioner's late wife.

2. The petitioner had filed the proceedings for obtaining a grant of Succession Certificate in respect of Locker No.199 maintained with Bank of Baroda, Punjabi Bagh (West), New Delhi, held in the name of his late wife Mrs Madalsa Wadhawan. The petitioner's wife had expired intestate leaving behind the petitioner and his minor daughter as the only legal heirs.

3. The petition filed by the petitioner was allowed by an order dated

10.07.2014 and Letter of Administration in respect of articles/jewelleries lying in the said bank locker (Locker No.199) held in the name of Mrs Madalsa Wadhawan was issued in favour of the petitioner. The petitioner was further directed to file the inventory of the articles/jewellery lying in the said locker within a period of six months as well as the final statement of accounts within a period of one year from the date of receipt of the formal Letters of Administration. Concededly, the petitioner did not comply with the directions inasmuch as the petitioner did not file the inventory or the statement of accounts within the specified period. However, it is stated that the same was done belatedly.

4. The petitioner's application for condonation of delay was dismissed by the learned ADJ; consequently, the petitioner has been unable to obtain cancellation of the enforcement on the original sale deed of the property papers - title deeds for the property bearing no. C-915, Jalvayu tower Phase-II sector- 56 Gurgaon, Haryana registered in the name of AIR CMDE Tilak Raj Bola - which were furnished by the surety.

5. The petitioner is present in the Court and states that there are no other legal heirs except him and his daughter. He, further states that he does not intend to utilise any of the assets of his late wife for his own purposes and would ensure that the entire estate is transmitted or utilized for the benefit of his daughter.

6. Plainly, the endorsement on the property documents cannot be permitted to remain indefinitely. There is also no contest that the entire estate of the petitioner's wife devolves upon him and his minor daughter. In

the circumstances, the petition is allowed and the learned Additional District Judge is directed to cancel the endorsement on the original Sale Deed submitted by the surety for grant of the Letters of Administration. The delay in filing inventory and statement of accounts, which is stated to be placed on record, is also condoned. The learned Additional District Judge shall examine the same and pass necessary orders.

7. The petition is disposed of.

VIBHU BAKHRU, J

JULY 03, 2017
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