

\$~5

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

+ C.R.P. 23/2018 & CM No. 5456/2018

MRF LTD

..... Petitioner

Through: Mr. Purushottam Kr. Jha, Adv.

versus

ASHISH SRIVASTAVA

..... Respondent

Through: Mr. V.K. Srivastava, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

13.04.2018

The respondent had instituted proceedings under Section 372 of Indian Succession Act, 1925 (SC 92/16) before the Administrative Civil Judge seeking issuance of succession certificate in respect of the estate left behind by Manorma Srivastava, at the time of her death on 09.08.2010, it primarily being in the nature of share certificates issued by the petitioner company (MRF Ltd.). It appears prior to the filing of the said proceedings in the Court, the respondent had approached the petitioner company for transfer of the shares in his name, the company having declined to do so till a succession certificate was furnished. The Administrative Civil Judge by order dated 20.01.2018 instead of holding an inquiry into the claim for succession certificate, directed the petitioner company “*to process the claim of the petitioner*” within 15 days. It is the said direction which was challenged by the petition at hand.

The approach of the Administrative Civil Judge to the case for succession certificate being questionable notice was issued. The respondent in response has appeared through counsel who fairly concedes that the procedure adopted by the Administrative Civil Judge to issue such directions cannot be defended or upheld. He, thus, conceded to the impugned order being set aside but requested that suitable directions being given to the trial court.

Thus, the petition is allowed. The impugned order is set aside. The Administrative Civil Judge is directed to inquire into the petition for succession certificate and adjudicate thereupon in accordance with law.

The stay against the proceedings before the trial court is vacated. This disposes of the pending application as well.

R.K.GAUBA, J

APRIL 13, 2018

nk