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

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Date of Decision: 31st August, 2018

+ TEST.CAS. 100/2010

UMA GUPTA & ORS.

..... Petitioners

Through: Mr.J.C. Mahindro, Mr.J.K. Garg and
Mr.Shubham Agarwal, Advocates

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr.Raghvendra Pandey and
Mr.Lokesh Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioners are seeking letters of administration with respect to the estate of late Hari Kishan Gupta who died intestate on 19th February, 2007 at Sant Parmanand Hospital, Civil Lines, Delhi.
2. The deceased Hari Kishan Gupta was survived by his widow, Uma Gupta and three daughters namely Alka Garg, Nidhi Gupta and Anjali Gupta.
3. This petition has been filed jointly by Uma Gupta, Alka Garg and Nidhi Gupta. The third daughter, Anjali Gupta did not join in the petition and was impleaded as respondent No.2 in the petition. Anjali Gupta expired on 10th September, 2011 whereupon the petitioners filed I.A. 17344/2011 for deletion of her name from the array of parties as she was a spinster and was survived by one legal representative namely her mother who was petitioner

No.1 in this petition. The application was allowed on 29th May, 2013 and respondent No.2 was deleted from the array of the parties.

4. The citation of this petition was published in 'The Statesman' English edition and 'Rashtriya Sahara' Hindi edition on 02nd February, 2011 and no objection has been received from any person.

5. The petitioner No.1, Uma Gupta examined herself as PW-1 on 20th November, 2017 and she deposed that her husband, late Hari Kishan Gupta expired on 19th February, 2007 and was survived by her widow and three daughters mentioned above. The death certificate of Anjali Gupta has been proved as Ex.PW1/1. The properties of the deceased are given in the amended schedule of properties is Ex.PW1/2 and the death certificate of Hari Kishan Gupta is Ex.PW1/3.

6. Petitioner No.1 has filed an additional affidavit dated 13th August, 2018 to depose that the deceased died intestate and did not left behind any Will. Learned counsel for the petitioner has handed over an additional affidavit today along with copy of election card and the card issued by the State Bank of India to prove that the deceased was the permanent resident of Delhi at the time of his death.

7. The properties of the deceased mentioned in the amended schedule of properties, Ex.PW1/2 have been valued by the competent authorities.

8. There is no impediment to the issuance of the letters of administration in respect of the estate of the deceased.

9. The petition is allowed and the letters of administration are issued in favour of the petitioners in respect of estate of late Hari Kishan Gupta mentioned in the amended Schedule of properties, Ex.PW1/2.

10. It is clarified that this Court has not examined the title of the deceased

in respect of the properties and the letters of administration are being issued on the petitioner's statement that the title of the properties mentioned in the amended Schedule of properties vested in the deceased.

11. The letters of administration be issued after deposit of the Court fees and requisite bonds.

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

AUGUST 31, 2018
ds

J.R.MIDHA, J.

