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

Date of Decision: 1st August, 2018

+ **TEST CASE 113/2014**

APARNA SUR Petitioner

Through: Mr. Bijendra Singh, Advocate.
(M-9810393638)

versus

STATE Respondent

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. Present petition has been filed by Ms. Aparna Sur, who is the daughter of Late Smt. Indira Bose. She is the only surviving heir of Smt. Indira Bose. Letters of administration are being sought in respect of her mother's estate comprising of Flat No.J-3/37, First Floor, DDA Flats, Kalkaji, New Delhi-110019.

2. Smt. Indira Bose passed away intestate on 25th November, 2011. Present petition came to be filed seeking grant of letters of administration. Notice was issued on 10th December, 2014 to the State and the Chief Revenue Controlling Officer. Citations were also directed to be published in the *Statesman* in English. Valuation report was received on 1st October, 2015. Petitioner appeared as PW-1 and one Ms. Chanchal appeared as PW-

3. In support of the case of the Petitioners, the following documents were tendered in evidence:

- **Ex.PW-1/A** - Death certificate of Indira Bose dated 17th March,

2012.

- **Ex.PW-1/B** - Certificate of surviving member issued by Office of Deputy Commissioner , South East District, Delhi dated 27th August, 2014.
- **Ex.PW-1/C, Ex.PW-1/D, Ex. PW-1/E, Ex. PW-1/H and Ex.PW-1/I** - GPA, Will, Agreement to Sell and Receipt executed by Shri Prem Deep Dang and Shri Mahender Gandhi in favour of Smt. Indira Basu @ Indira Bose.
- **Ex.PW-1/F**- Publication in The Statesman
- **Ex.PW-1/G** – Valuation Report of the property
- **Ex.PW-2/1 to Ex.PW-2/5, Ex.PW-2/15** – Documents executed by Shri Mahender Gandhi in favour of Smt. Suman Gandhi.
- **Ex.PW-2/6 to Ex.PW-2/12, Ex.PW2/16, Ex.PW2/17, Ex.PW-2/18** - Documents executed by Shri Kul Rattan Malhotra in favour of Reshma Bhasin.
- **Ex.PW-2/13**- Registered Agreement to Sell and Purchase dated 26th August, 2005 between Shri Prem Deep Dang and Shri Mahender Gandhi
- **Ex.PWP-2/19**- Allotment letter in respect of Flat No.37, Ground Floor, Phase-II, Kalkaji
- **Ex.PW-2/20**- Mutation Letter dated 27th January, 2007
- **Ex.PW-2/21**- Possession Letter dated August 2004 and Registered Will dated 5th August, 2004 executed by Smt. Reshma Bhasin.
- **Ex.PW-2/22**- Special Power of Attorney executed by Shri Kul Rattan Malhotra dated August, 2002

- **Ex.PW-2/23-** Indemnity Bond Executed by Shri Kul Rattan Malhotra dated August, 2002
- **Ex.PW-2/24-** Registered GPA executed by Ms. Reshma Bhasin
- **Ex.PW-2/25-** Registered will dated 26th August, 2005 executed by Shri Prem Deep Dang.
- **Ex.PW-2/26-** GPA dated 26th August, 2005 executed by Shri Prem Deep Dang.

4. From the above set of documents, which have been filed, the title of Smt. Indira Bose, has been traced. The original allotment from the Delhi Development Authority was in favour of Smt. Lajwanti. Upon the death of Smt. Lajwanti, the property was mutated in favour of Shri Kul Rattan Malhotra. Thereafter, in August, 2002, the property was sold by Shri Kul Rattan Malhotra to Smt. Reshma Bhasin. In August, 2004, Smt. Reshma Bhasin sold the property to Shri Prem Deep Dang and Shri Mahender Gandhi. Finally, Shri Prem Deep Dang and Shri Mahender Gandhi sold the property to the Petitioner's mother Smt. Indira Bose in March, 2005.

5. Ms. Chanchal was produced as PW-2. She is the owner of Flat No.J-3/37, Ground Floor, DDA Flats, Kalkaji, New Delhi-110019. She produced all the original documents tracing the title up till Shri Prem Deep Dang and Shri Mahender Gandhi. Thus, the entire chain of documents establishing Smt.Indira Bose's title to the property was exhibited even through independent evidence. The original allotment letter in favour of Smt. Lajwanti was exhibited as Ex.PW-2/19 and all the subsequent documents being registered documents and the originals of the same having been produced, there is no dispute as to the title of Smt. Indira Bose. The statements of Ms. Chanchal and Petitioner, Ms. Aparna Sur having been

recorded and they having exhibited all the relevant documents establishing the title of Smt. Indira Bose, there exists no impediment in granting the letters of administration.

6. The valuation report has been filed to be Rs.20,15,760/-. The same is accepted and taken on record.

7. Petitioner being the sole surviving heir of Late Smt. Indira Bose and citation also having been published in the Statesman dated 27th April, 2015, the letters of administration are granted in favour of the Petitioner in respect of estate comprising of Flat No.J-3/37, First Floor, DDA Flats, Kalkaji, New Delhi-110019, subject to the furnishing of court fees in terms of the valuation report. Exemption as prayed for from furnishing of sureties and administration bond is granted as per the judgment in *Sanjeev Kumar Juneja Vs. State (2016) 234 DLT 1*.

8. The petition is allowed in the above terms.

**PRATHIBA M. SINGH
JUDGE**

AUGUST 01, 2018/dk