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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**Reserved on: 27th August, 2018
Pronounced on: 11th September, 2018**

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TEST.CAS. 92/2016

NEELAM SETHI

..... Petitioner

Through : Mr.Sanjeev Sahay & Ms.Himangi
Kapoor, Advocates.

versus

STATE & ANR

..... Respondents

Through : Mr.Bhagat Malhotra & Ms.Shriya
Chanda, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

YOGESH KHANNA, J.

1. This petition is under Section 278 of the Indian Succession Act, 1925 filed by petitioner for grant of letter of administration in respect of estate viz., three immovable properties mentioned in *Schedule A* and for moveable properties mentioned in list along with Schedule A to petition of the deceased late Sh.Deepak Dua, brother of the petitioner and respondent No.2 herein to the extent of 50% each being his sole surviving legal heirs.

2. The facts as averred in petition briefly are as follows:-

a) petitioner and respondent No.2 are sisters and sole legal heirs of deceased Sh.Deepak Dua who was residing at C-26, Geetanjali Enclave, Opposite STC Colony, near Malviya Nagar, New Delhi – 110017;

b) late Sh.Deepak Dua was a divorcee per decree of divorce dated 08.09.1992 passed in HMA Case No.662/1992 titled *Sh.Deepak Dua vs Smt.Indu Dua* (copy of divorce decree handed over during course of arguments and be taken on record). The deceased expired on 19.10.2014 without any issue from the wedlock. He was having two sisters namely petitioner and respondent No.2 herein and both of them inherited the estate in the ratio of 50% each;

c) petitioner claims the letter of administration in respect of immovable properties mentioned in Schedule A and for moveable properties mentioned in list attached to Schedule A.

3. Upon receipt of petition, citations were issued and respondent No.2 was also put to notice. The respondent No.2 though supporting the petition filed reply wherein she additionally placed on record various other immovable properties owned by the deceased viz., shares of different companies and amounts in Axis Bank accounts as enumerated in para No.5 of her reply.

4. Thus only contest put by respondent No.2 to the petition is certain shares as well as Axis Bank account are not mentioned in Schedule A and such properties be also included. Barring this additional estate, the respondent No.2 has no objection to grant of letter of administration in favour of petitioner and respondent No.2 to the extent of 50% each. She has also filed an affidavit of admission/denial of the documents of petitioner and have admitted five documents as *Ex.P1 to Ex.P5*.

5. In the circumstances, where the petitioner and respondent No.2 are the surviving legal heirs of deceased and are entitled to 50% each of the properties as mentioned in Schedule A, list attached to it and for movable properties mentioned in para No.5 of reply of respondent No.2; there exist no impediment in grant of letter of administration in favour of the petitioner and respondent No.2 equally qua the estate of deceased mentioned above.

6. In view of above, the letter of administration of the estate of deceased, per Annexure-A, list attached to Annexure A and those mentioned in para No.5 of reply of respondent No.2, is granted in favour of the petitioner and respondent No.2 equally to the extent of 50% each.

7. The registry to issue the letter of administration per valuation report as filed by SDM concerned and in case valuation report is to be further obtained qua left over properties may also be obtained by the registry and on paying the requisite stamp duty etc and also upon furnishing administration bonds and surety bonds, the letter of administration be issued.

8. In view of above, the petition stands disposed of. No order as to cost.

YOGESH KHANNA, J

SEPTEMBER 11, 2018

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