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

+ TEST.CAS. 70/2017

MADHU SUDHAN BHAGERIA & ORS

..... Petitioners

Through: Mr. Attev Kumar Mathur, Mr. Sanjay
Gupta, Ms. Jagriti Ahuja & Mr. Amol
Sharma, Advs.

Versus

STATE & ORS

..... Respondents

Through: Ms. Sangita Rai, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

23.05.2018

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1. This order is in continuation of the earlier order dated 5th December, 2017.
2. The counsel for the respondent no.1 State states that the Letters of Administration have been claimed only with respect to monies in the bank accounts and equity shares and not with respect to immovable properties and it is not possible for the respondent no.1 State to submit the valuation thereof.
3. The counsel for the petitioners states that he will file an affidavit supported by bank statements of accounts and valuation of the shares on the stock exchange as on the date of filing of the petition, regarding valuation qua the estate with respect to which Letters of Administration have been claimed.
4. None appears for the respondents no.2 to 4.
5. The counsel for the petitioners states that each of the respondents no.2 to 4 have filed their written statements giving no objection to the grant of Letters of Administration to the petitioners.

6. No objections have been filed in pursuance to citation stated to have been published.
7. The petitioners to file affidavits by way of evidence of their witnesses on or before 10th July, 2018.
8. The counsel for the petitioners, at this stage, states that for the sake of expediency, the petitioners seek Letters of Administration without copy of the Will annexed, as heirs of the deceased and the petitioners will also file before this Court, the affidavits by way of no objection of the respondents no.2 to 4 to such change.
9. The three petitioners are the sons of the deceased with respect to whose estate Letters of Administration are claimed and the respondents no.2 to 4 are the mother and the two sisters of the petitioners.
10. The petitioners are found to be the fit persons to be granted the Letters of Administration with respect to the estate of the deceased.
11. The petition, as modified today, to grant of Letters of Administration without copy of the Will annexed, on the basis of the averments made in the plaint and no objection of the respondents no.2 to 4, is allowed.
12. Letters of Administration with respect to the estate, as described in Schedule-I to the petition, of late Sh. Ram Avtar Bhageria, son of Late Sh. Baij Nath Bhageria, last ordinary resident of B-375, New Friends Colony, New Delhi, who died on 17th April, 2017, are ordered to be granted to the three petitioners jointly, subject to:
 - (i) the petitioners filing the affidavits by way of no objection as aforesaid of respondents no.2 to 4;
 - (ii) the petitioners filing the affidavit of valuation as aforesaid;

- (iii) the petitioners depositing the requisite stamp duty for drawing up of Letters of Administration;
- (iv) the petitioners furnishing an administration bond of the value of the estate;

However in view of the No Objection Certificates, need to direct the petitioners to furnish surety bond does not arise.

13. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

MAY 23, 2018

‘gsr’..