

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

% **Decided on: 31st October, 2019**

+ **TEST.CAS. 13/2019**

PRIYA GOEL & ORS. Petitioner
Represented by: Ms. Shreya Singhal, Advocate.

versus

STATE OF GOVT. OF NCT OF DELHI & ORS. Respondents
Represented by: Mr. T.S. Nanda, Advocate for R-
1/State

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

I.A. 2367/2019

Exemption allowed subject to just exceptions.

TEST.CAS. 13/2019

1. By the present petition, the petitioner seeks grant of Letters of Administration of the estate of Lt. Mr. Neel Goel.
2. Briefly stated, the Lt. Mr. Neel Goel died intestate on 21st February 2000. Petitioner No. 1 is the wife of the deceased and Petitioner Nos. 2 and 3 his sons. Respondent No. 2 is the mother of the deceased. The deceased left behind the assets owned by him as under:

Sl. No.	<i>Immoveable Properties (Jointly owned with Petitioner No. 1)</i>
(a)	Duplex No. PH-I/184 in Pushpanjali Baikunth in Vrindavan, Uttar Pradesh.
(b)	Villa No. L/15, Pushpanjali Meadows, Delhi-Agra Highway, NH-2,

	Kosi, Mathura, Uttar Pradesh
(c)	House known as Deerwood Bearing No. 0185, Block-S, Nirvana Colony, South City-II, Phase-II, Gurugram, Haryana
(d)	Plot no. K-488, TDI City Kundli, Sonipat, Haryana
	<i>Bank Accounts in the name of Neel Kamal Goel</i> <i>(Moveable Assets)</i>
(a)	HDFC Bank, Old Rajinder Nagar Branch, New Delhi
(b)	Kotak Mahindra Bank , Greater Kailash-II and Demat account
(c)	Ind Bank Merchant Banking services, Kasturba Gandhi Marg- Demat account

3. Vide family settlement deed dated 8th October 2016, Respondent No.2 relinquished all her rights that is 1/8th share in the immovable properties in favour of petitioner No. 1.

4. Valuation report in respect of house known as Deerwood Bearing No.0185, Block-S, Nirvana Colony, South City-II, Phase-II, Gurugram, Haryana has been submitted by the Naib Tehsildar, Wazirabad whereby the circle rate of the said property has been ascertained as ₹60,000 per sq. yards.

5. Valuation report in respect of Plot No.K-488, TDI City Kundli, Sonipat, Haryana has been submitted by the Naib Tehsildar, Rai whereby the value of the said property has been ascertained as ₹33,75,000/-.

6. Respondent No.2 have not entered appearance. Citations were published on 23rd May 2019 in 'The Statesman newspaper, English edition and Rashtriya Sahara newspaper, Hindi edition.

7. An affidavit by way of evidence has been tendered by the Petitioner No.1, Priya Goel (PW-1) vide Ex. PW-1/A. The original death certificate issued by competent authority was proved as Ex. PW-1/1(OSR). List of all class-I legal heirs was proved as Ex. PW-1/2. List of entire estate of the deceased known to the petitioner were proved as Ex. PW-1/3. Family settlement dated 8th October 2016 was proved as Ex. Pw-1/4(OSR). Citations were published on 23rd May 2019 in 'The Statesman' newspaper, English edition and 'Rashtriya Sahara' newspaper, Hindi edition and proved as Ex. PW-1/5 and Ex. PW-1/6 respectively. Original certificates issued by the 'The Statesman' and the 'Rashtriya Sahara' newspaper were proved as Ex. PW-1/7 and Ex. PW-1/8 respectively.

8. PW-1 stated that during the pendency of the suit she approached the builders of property of TDI City Kundli of which she was the 50% owner along with the deceased. She cancelled the registration for the said property vide discharge deed dated 19th June 2019 and received full and final payment by way of four cheques each for sum of ₹5,00,000. The discharge deed was proved as Ex. PW-1/9 and the copies of four cheques were marked as Mark PW-1/1 to 1/4. She further stated that during the pendency of the present matter her elder son, that is, petitioner No.2 has turned major and that he has authorized her to act on his behalf in respect of letters of administration. The same was informed to her by her son by way of e-mail dated 18th September 2019. The copy of said email was proved as Ex.PW-1/10. Affidavit under Section 65-B of Indian Evidence Act was also proved as Ex. PW-1/1.

9. Thus, as per the family settlement deed, the shares devolved on the petitioners in the immovable properties of the deceased, jointly owned by Petitioner No.1, as noted in Para-2 above are as under:

1.	<u>Share of the deceased</u>	½ share
2.	<u>Share of the wife (Petitioner No. 1)</u>	½ share
3.	<u>Share claimed by Respondent no. 2 after death of Lt. Mr. Neel Kamal</u>	1/8 th share (Respondent no. 2 relinquished all her rights in favour of Petitioner no. 1)
4.	<u>Share claimed by Petitioner No. 1 after death of Lt. Mr. Neel Goel</u>	1/8 th share
5.	<u>Total share of Petitioner No. 1 (Including relinquished share of Respondent No. 2)</u>	1/8 th + 1/8 th + 1/2 = 3/4 th share
6.	<u>Total Share of Petitioner No. 2 claimed after death of Lt. Mr. Neel Goel</u>	1/8 th share
7.	<u>Total Share of Petitioner No. 3 claimed after death of Lt. Mr. Neel Goel</u>	1/8 th share

10. The accounts of the deceased, Lt. Mr. Neel Goel, shall be transferred in favour of the Petitioner No. 1. Further, no relief is granted with respect to the immovable property bearing No.14A/79 WEA, Karol Bagh, New Delhi-110005 as no claim has been sought qua the said property.

11. Since the registration with respect to the Kundli property has been cancelled by the Petitioner vide discharge deed dated 19th June 2019, there lies no claim to that effect.

12. In view of facts and circumstances noted above, there is no impediment in granting the relief of letter of administration as claimed in the petition in favour of the petitioners.

13. Accordingly, letters of administration with respect to estate of Lt. Mr.Neel Goel, is granted in favour of the petitioners in respect of the immovable and movable property left behind by the deceased as mentioned above, subject to the requisite court fees/stamp duty being furnished in accordance with the valuation report and upon submission of administration bond and surety, in accordance with law, to the satisfaction of the Registrar General of this Court.

14. Petition is disposed of.

15. Matter be listed before the Registrar General for payment of requisite court fees in respect of the abovementioned immovable and movable property of the deceased and for acceptance of the administration bond and surety bond on 3rd December, 2019.

OCTOBER 31, 2019
‘SK’

(MUKTA GUPTA)
JUDGE

न्यायमेव जयते