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

+ TEST.CAS. 13/2018

SHAKTI KUMAR BHARDWAJ

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R.K Mehta,
Ms. Shweta Soni and Mr.Harshit
Agarwal, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **30.07.2019**

1. The Petitioner seeks Letters of Administration in respect of the estate, including movable and immovable properties of his brother, late Mr. Hari Prasad Bhardwaj, who died on 26th March 2016 at Libya. It is the case of the Petitioner that the deceased got married to Smt, Sneh Lata Bhardwaj on 18.08.1979. The deceased and Smt. Sneh Lata Bhardwaj jointly filed for mutual consent divorce and divorce decree was granted vide decree dated 25.02.1998, passed by Ld. ADJ, Delhi whereby the marriage was dissolved. No child was born out of this marriage wedlock. Further, as Late Sh. Hari Prasad Bharadwaj never married again in his lifetime and died issueless, therefore there are no Class I legal heirs. Shri Prithi Chand Bhardwaj and Smt. Mayawati, father and mother of Sh. Hari Prasad Bhardwaj pre-deceased him as they died on 15.01.1984 and 22.01.1984 respectively. Sh. Hari Prasad Bhardwaj had two brothers namely Sh. N.C. Bhardwaj and the

Petitioner [Shakti Kumar Bhardwaj], and he had no other siblings. Further, the elder brother of Late Sh. Hari Prasad Bhardwaj died on 01.07.2011 and the Petitioner is the only Class-II heir in the Entry II, as there are no other legal heirs of Late Hari Prasad Bhardwaj in this entry, i.e., son's daughter's son, son's daughter's son and sister.

2. It is pleaded that the following immovable properties form part of the estate of the deceased:

<u>S. No.</u>	<u>Details of property</u>	<u>Valuation as per knowledge of Petitioner</u>
1.	Flat no. 1263, Block No. CAT II, Pocket BC, Sector-A, Vasant Kunj, (Kishan garh). New Delhi, India.	Rs. 2,38,500/- as on 25.03.1996
2.	Residential Plot No. C-D-053, admeasuring 250 Sq Yds, Golf Link-1, situated at Plot No. P-8, Greater Noida, District Gautam Budh Nagar, Uttar Pradesh, India.	Rs. 32,50,000/- as on 04.01.2007

3. The petition was admitted and notice was issued on 23rd February 2018 to all the near relatives and to State with a direction to the State and Chief Revenue Controlling Officer to file valuation report with respect to the properties before the next date of hearing. Citation as ordered was published in the English newspaper “The Statesman” and Hindi newspaper “Navbharat Times”. Valuation report for the Gautam Budh Nagar property mentioned at Serial No. 1 above was filed on 1st October 2018.

4. On 27th April 2018, near relation no. 3 sought time to file objections. However, the same was not filed and the right of near relation no. 3 to file

objections was closed vide order dated 2nd August 2019. No other relation has filed objections despite citation being published. Right of Near Relative 2,6,7,8 to file objections was closed vide order dated 1st October 2018 and the right of Near Relative 4 and 5 was closed vide order dated 21st February 2019. Valuation report in respect of both the properties was reported to be filed vide order dated 21st February 2019.

5. Petitioner inadvertently filed the Petition for grant of Letter of Administration at the Patiala House District Courts, vide PC no. 81/2016. The same was withdrawn on 29th January 2018 vide application under Order 7 Rule 10 read with Section 151 of CPC, with a liberty to file a petition before the Court of appropriate jurisdiction. Petitioner filed a petition for the grant of Succession Certificate vide Succession Case No. 47/16 in respect of the debts and securities of the deceased late Sh. Hari Prasad Bhardwaj and the same was granted on 26th April 2017 by the Ld. Amitabh Rawat, ARC, Patiala House Courts, New Delhi.

6. The Petitioner has also filed his evidence by way of affidavit marked as **Ex. PW 1/X**. The Petitioner in his affidavit has deposed and proved the following documents:

(i) Copy of death certificate, passport, cremation certificate, certificate of entry of death and affidavit of same name of late Sh. Hari Prasad Bhardwaj marked as **Ex. PW 1/1 (Colly)**.

(ii) Mutual consent decree dated 25th February 1998 marked as **Ex. PW1/2**.

- (iii) Copy of death certificate of Shri Prithi Chand Bhardwaj and Smt. Mayawati, father and mother of Sh. Hari Prasad Bhardwaj and Sh. N.C. Bhardwaj, brother of deceased marked as **Ex. PW1/3 (Colly)**.
- (iv) Names and addresses of other relatives of the deceased marked as **Mark A**.
- (v) Registered conveyance deed in favour of the deceased late Sh. Hari Prasad Bhardwaj in respect of property mentioned at Serial No. 1 hereinabove marked as **Ex. PW1/4**.
- (vi) Registered sale deed in favour of the deceased late Sh. Hari Prasad Bhardwaj in respect of property mentioned at Serial No. 2 hereinabove marked as **Ex. PW1/5**.
- (vii) Copy of order dated 29th January 2018 in PC no. 81/2016 marked as **Mark B**.
- (viii) Copy of judgment dated 26th April 2017 granting Succession Certificate to Petitioner marked as **Ex. PW 1/6**.
- (ix) Copy of Aadhar card of Petitioner marked as **Ex. PW 1/7**.

7. In light of no objection by near relatives of the deceased and the testimony of the Petitioner, I am satisfied that the Petitioner has made a case for grant of Letters of Administration.

8. Subject to the Petitioner depositing in this Court the requisite stamp duty and subject to the Petitioner filing administration bond with one surety for the value of the estate, Letters of Administration of the estate of Late Shri Hari Prasad Bhardwaj comprising of the properties as mentioned in para 2 above (informed to be of the value of INR Rs.62,70,750/- (for Gautam Budh

nagar property) and INR 49,68,000/- (for Vasant Kunj property) as per valuation report filed by Respondent no. 1), be issued to the Petitioner.

9. The petition is disposed of in the above terms.

JULY 30, 2019
Pallavi

SANJEEV NARULA, J