

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

% Decided on: 19th February, 2020

+ **TEST.CAS. 22/2019**

JATINDAR LAL Petitioner
Represented by: Ms. Akshita Katoch, Advocate.

versus

STATE & ORS. Respondents
Represented by: Ms. Aprajita Sinha proxy counsel for
Ms. Tara Narula, Advocates for R-
1/State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By the present petition, the petitioner seeks grant of Letters of Administration of Will dated 23rd November 2017 of Ms. Satish Kumari.
2. Briefly stated, Late Ms. Satish Kumari was suffering from cancer and died on 2nd December 2017. The petitioner is the ex-husband of the deceased Ms. Satish Kumari as they obtained a decree of mutual divorce after sixteen years of marriage vide order dated 26th May 1978. The medical expenses for the cancer treatment of the deceased were borne by the petitioner as they continued to dwell together till her death, even after obtaining the divorce. The deceased is survived by no class I legal heir as she did not remarry and died issueless. Respondent Nos. 2 to 5 are siblings of the deceased while respondent no. 6 is the son of her brother Late Mr. Subhash Chander Kumar being her Class II heirs.

3. Petitioner propounded the Will dated 23rd November 2017 and his name had been nominated by the deceased in most of her bank accounts and post office accounts. By virtue of the said Will, the deceased bequeathed two of her self- acquired immoveable properties to the beneficiaries of it in the following manner:

DETAILS OF ASSETS PART OF THE ESTATE OF THE DECEASED

Sl. No.	Immoveable Properties	Division
(a)	L-86, Sector – 11, Noida – 201301 admeasuring 228.52 sq. mts.	<i>To be bequeathed to the petitioner herein.</i>
(b)	House No. 162, Sector – 29, Faridabad (near Holy Child School) admeasuring 160 sq. yds.	<i>To be sold and the proceeds to be distributed in the manner below:</i> <i>(a.) Certain sum of money to be given to the persons mentioned hereunder:</i> <i>(i.) Ms. Neetu Singh, daughter of Mr. Upender Singh to be given ₹ 3,00,000/-;</i> <i>(ii.) Mr. Vipul Singh, son of Mr. Upender Singh to be given ₹ 3,00,000/-;</i> <i>(iii.) Mrs. Kanta, daughter of Late Mr. Sohan Lal Chopra to be given ₹ 3,00,000/-;</i>

		(iv.) <i>Mr. Upendra Singh, son of Mr. Vibhishan Singh to be given ₹ 3,00,000/-.</i> (b.) <i>After deducting the aforesaid amounts from the total sale proceeds of the said Immoveable property, the remaining sum to be divided between the following:</i> (i.) <i>Mr. Jatinder Lal (Petitioner herein) son of Late Mr. Sohan Lal Chopra;</i> (ii.) <i>Mr. Vipin Chopra, son of Mr. Sohan Lal Chopra;</i> (iii.) <i>Mr. Anil Manocha, son of Mr. Gulab Shah Manocha;</i> (iv.) <i>Mrs. Nirmala Devi, wife of Mr. Upendra Singh;</i> (v.) <i>Dewa Sharif, Dargaha Haji Waris Ali Shah, District Barabanki, Uttar Pradesh.</i>
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4. Furthermore, the right to issue cheques with respect to the amounts stated above was also given to the petitioner. There is no liability which was to be discharged by the deceased.

5. Notice to respondents were issued vide order dated 7th March 2019. Respondent No. 2 to 6 did not enter appearance. The citation was published on 25th April 2019 in The Statesman newspaper, English edition.

6. The valuation report in respect of L-86, Sector – 11, Noida – 201301 has been submitted by the Tehsildar, Dadri, Gautam Budh Nagar whereby the circle rate of the said property has been ascertained as Rs. 52,500 per sq. metres amounting to ₹ 1,19,97,300.

7. The valuation report in respect of House No. 162, Sector – 29, Faridabad has been submitted by the Tehsildar, Faridabad whereby the circle rate of the said property has been ascertained as ₹ 50.000/- per sq. yards amounting to ₹ 80,00,000/-.

8. An affidavit by way of evidence has been tendered by the Petitioner, Jatinder Lal (PW-1) vide Ex. PW-1/A. The copy of the original Will dated 23rd November 2017 of Late Smt. Satish Kumari with an English Translation was proved as Ex. PW-1/1(OSR). The copy of the original death certificate dated 4th December 2017 of Late Smt. Satish Kumari issued by the East Delhi Municipal Corporation was proved as Ex. PW-1/2(OSR). The copy of the Death Registration Receipt of the deceased dated 3rd December 2017 issued by Nigam Bodh Ghat Delhi was proved as Ex. PW-1/3(OSR). Copy of Receipts dated 13th November 2017, 15th November, 2017 issued by Dharamshila Narayana Superspeciality Hospital were proved as Ex. PW-1/4(OSR) and Ex. PW-1/5(OSR) respectively. Copy of Receipt dated 16th November 2017 issued by Dharamshila Narayana Superspeciality Hospital was proved as Ex. PW-1/6(OSR). Copy of the Demand Draft issued by the petitioner bearing no. 277326 dated 16th November 2017 of Bank of India was proved as Ex. PW-1/7(OSR). Copy of cheque bearing no. 215305 dated

23rd November 2017 of Bank of Maharashtra issued by the petitioner in favour of Dharamshila Narayana Superspeciality Hospital was proved as Ex. PW-1/8(OSR). Copy of relevant entries of Bank of Maharashtra passbook of the petitioner was proved as Ex. PW-1/9(OSR). Copy of relevant entries of Bank of India passbook of the petitioner was proved as Ex. PW-1/10(OSR). Copy of Divorce Decree dated 26th May 1978 passed in Mat. Case No. 197 of 1978 titled as “*Jitendar Lal v. Satish Kumari*” filed in P.C. No. 114 of 2002 titled “*Satish Kumar v. State & Ors.*” was proved as Ex. PW-1/11. Copy of the Voter Identity Card of the petitioner issued by the Election Commission of India was proved as Ex. PW-1/12. Copy of memo whereby the deceased had nominated the petitioner, bearing no. KN/DC/SB/1445/2018 issued by the Department of Posts India office of Sr. Postmaster Krishna Nagar Head Post Office Delhi – 110051 dated 31st May 2018 was proved as Ex. PW-1/13(OSR). The copy of Aadhar Card of Late Smt. Satish Kumari was proved as Ex. PW-1/14(OSR). Copy of Identity Card of Late Smt. Satish Kumari issued by Election Commission of India was proved as Ex. PW-1/15(OSR). Copy of the High School passing certificate of Late Smt. Satish Kumari issued by the University of Rajasthan was proved as Ex. PW-1/16(OSR). Copies of ownership papers of the property bearing no. 162, Sector 29, Faridabad in favour of Late Smt. Satish Kumari issued by HUDA, Faridabad were proved as Ex. PW-1/17(Colly)(OSR). Copies of ownership papers of property bearing no. L-86, Sector – 11, Noida – 201301 in favour of Late Smt. Satish Kumari was proved as Ex. PW-1/18(Colly)(OSR).

9. An affidavit by way of evidence has been tendered by witnesses to the said Will that is by Surinder Mohan as Ex. PW-2/A and Brij Mohan Ralli as Ex. PW-3/A.

10. There is no opposition to grant of Letter of Administration. In view of facts and circumstances, there is no impediment in granting the relief of letter of administration as claimed in the petition, the petitioner and the respondents being the beneficiaries under the Will which is proved to have been executed validly by the testator Lt. Smt. Satish Kumari, in absence of proof to the contrary.

11. Accordingly, letters of administration with respect to estate of Lt. Smt. Satish Kumari, is granted in favour of the petitioner in respect of the immovable properties 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.

12. Petition is disposed of.

13. 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 31st March, 2020.

(MUKTA GUPTA)
JUDGE

FEBRUARY 19, 2020
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