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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 294/2020 and CM APPL. 8735/2020, 8736/2020**
RANJAN DAS MUNSHI & ANR Petitioners
Through: Ms. Rama Shankar and Mr. Ranjeet,
Advocates (M: 9811132914).

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr. Shobhana Takiar, Advocate (M:
9810962956).

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **04.03.2020**

1. A short issue arises in this petition. The Petitioners - Mr. Ranjan Das Munshi and Ms. Irene Das Munshi are the son and daughter of late Shri Kamalendu Das Munshi and late Smt. Roma Das Munshi - who expired on 10th July, 2011 and 1st November, 2016 respectively. A petition was filed by the Petitioner on his own behalf and on behalf of his sister who is specially-abled, for issuance of letters of administration under Section 278 of the Indian Succession Act, 1925.
2. The said petition came to be allowed by the Trial Court on 6th March, 2019. In the said petition, the name of the Petitioner No. 1 was inadvertently mentioned as 'Rajan Das Munshi' instead of 'Ranjan Das Munshi'. There was also a spelling mistake in the name of the father. However, in the decree sheet/letters of administration which were issued, owing to the mistake in the cause-title, the same was issued in the name of 'Rajan Das Munshi' with

the wrong spelling of the father's name.

3. The Petitioner, after realising the error moved an application under Section 151 CPC which ought to have been under Section 152 CPC for the correction of the error. The said application has been rejected by the Trial Court on 9th October, 2019.

4. Ld. counsel for the Petitioner submits that the correct name of the Petitioner is clear from their Aadhar Cards and other documents which show that Petitioner No. 1's name is '*Ranjan Das Munshi*'. He submits that irreparable prejudice would be caused if the error is not corrected as the letters of administration have been issued in the wrong name creating enormous difficulty for the Petitioners with the authorities.

5. The error by the Petitioners/their counsel is quite evident by the perusal of the cause title in the petition itself. However, once the application was moved, unless and until the Trial Court, had any reason to suspect that there was any foul play or doubt on the identity of the Petitioner, it could not have dismissed the application without considering that the same was merely an inadvertent error.

6. The order of the Trial Court does not give any reasons whatsoever for rejecting the application except saying that there was no ground for ordering the correction. The Trial Court order is completely unsustainable and is accordingly set aside.

7. It is accordingly directed that the letters of administration be issued in the correct name of Petitioner No. 1 i.e. Ranjan Das Munshi and his sister Miss. Irene Das Munshi, with the name of their father also being correctly mentioned as Mr. Kamalendu Das Munshi.

8. The application seeking correction is accordingly allowed. The Trial

Court to now issue letters of administration after completion of formalities within a period of eight weeks.

9. The petition with all pending applications is disposed of.

PRATHIBA M. SINGH, J.

MARCH 04, 2020
MR