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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision:- 13.07.2023***

+ TEST.CAS. 34/2022
MRS. NASREEN HASHMI

..... Petitioner

Through: Mr. Nasir Aziz & Mr. Swet Singh,
Advs. for petitioner with petitioner
in person.

versus

THE STATE (GOVT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Nipun Katyal, Adv. for R-1.
Mohd. Azmat, Adv. for R-2 & 3.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J(ORAL)

1. The present petition under Section 278 of the Indian Succession Act, 1925 seeks grant of Letters of Administration in respect of immovable property left by late Shri Anwar Ahmad Khan. It is claimed by the petitioner that she was alongwith her two children and her late husband Shri Anwar Ahmad Khan residing at X-202, Taj Enclave, Geeta Colony, East Delhi, where they continued to reside till the death of her late husband.
2. It is her case that her husband expired intestate on 06.02.2020 leaving behind her and her two children as the only legal heirs. It is further averred that she and her late husband were joint owners of property bearing no. 304, 3 Tower-4,(A-4), Casa Greens, Plot No. GH-04A, Sector-16, Greater Noida,



Uttar Pradesh, the possession whereof was yet to be handed over to them.

3. Since the petitioner's husband expired without leaving any will, all his three legal heirs i.e., the petitioner and her two children, respondent nos. 2 and 3 are entitled to succeed to his share in the aforesaid flat bearing no. 304, 3 Tower-4,(A-4), Casa Greens, Plot No. GH-04A, Sector-16, Greater Noida, Uttar Pradesh.

4. Upon notice being issued in the petition on 18.04.2022, citations were published in the "Navbharat Times" (Hindi) and in "The Statesman" (English). Pursuant to this Court's direction, the respondent no. 1 has filed a valuation report on 08.07.2022. No objections have been received from any member of the general public. The respondent nos. 2 & 3, who are the son and daughter of late Shri Anwar Ahmad Khan have also filed affidavits giving their no objection for issuance of Letters of Administration in favour of the petitioner.

5. In support of the petition, the petitioner has examined herself as PW-1 and her son in law Mr. Azim Hasan Rizvi as PW-2. Both the witnesses have deposed on the same lines and have proved the death certificate of late Shri Anwar Ahmad Khan, the Aadhar card of the petitioner and the intimation letter issued by the builder, Radhey Krishna Techno Build Pvt. Ltd. to show that the aforesaid property at Greater Noida was in the joint name of the petitioner and her husband. The petitioner has also proved the surviving member certificate issued by the Govt. of NCT in favour of the petitioner and respondent nos. 2 & 3, the allotment letter issued by the builder and agreement entered into by the petitioner and her late husband with the builder for the purchase of the said aforesaid property.

6. The petitioner has therefore been able to prove that she has an interest



in the estate of late Shri Anwar Ahmad Khan which included 50% share in property bearing no. 304, 3 Tower-4,(A-4), Casa Greens, Plot No. GH-04A, Sector-16, Greater Noida, Uttar Pradesh. As noted hereinabove, the two respondents have already issued their no objection for issuance of Letters of Administration in favour of the petitioner. No other objections to the grant of Letters of Administration in favour of the petitioner have been received from any third party.

7. In the light of the aforesaid, the petitioner has been able to make out a case for grant of Letters of Administration in her favour. The petition is, therefore, entitled to succeed and is accordingly, allowed. Subject to the petitioner filing the requisite court fee and an administration bond with one surety to the satisfaction of the learned Registrar General of this Court, Letters of Administration qua the estate of Late Shri Anwar Ahmad Khan is granted in favour of the petitioner.

8. The petitioner is granted liberty to apply as per law for return of the original documents filed with the petition.

9. The petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

JULY 13, 2023
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