



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision:- 20.12.2023***

+

**TEST.CAS. 47/2022
SWARN UTREJA & ORS.**

..... Petitioner

**Through: Mr. Akhil Sachar and Ms. Sunanda
Tulsyan, Advs.**

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through:**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 the estate of late Shri Ashok Verma who has expired on 23.06.2019.
2. It is the case of the petitioners that late Shri Ashok Verma died issueless and even his wife-Smt Asha Verma had pre-deceased him, having expired on 08.06.2017. It is, therefore, claimed that late Shri Ashok Verma did not have any Class-I legal heir and it is only the three petitioners being his siblings are his Class-II legal heirs who are entitled to succeed to his estate.
3. Vide order dated 20.05.2022, notice was issued in the present petition, when citations were directed to be published in 'the Statesman' (English Edition) and the 'Navbharat Times' (Hindi Edition). The said citations were



duly published on 01.09.2022 but till date, no objections from any member of the public have been received.

4. In support of their case, the petitioners have examined petitioner no. 1-Ms Swarn Utreja as PW-1, who has tendered her evidence by way of affidavit on 21.11.2023. Apart from reiterating the averments made in the petition, she has not only proved the death certificate of late Shri Ashok Verma but has also proved various other documents pertaining to the movable and immovable assets owned by him, which have been exhibited as Ex. PW1/1 to Ex. PW1/29.

5. It is claimed by the petitioners that late Shri Ashok Verma owned two immovable properties, both admeasuring 25.9 square meters, being property bearing no. G-1/94, Ground Floor, Sector-16, Rohini, New Delhi-110089 and property bearing no. G-1/95, Ground Floor, Sector-16, Rohini, New Delhi-110089. The petitioners have proved the sale deeds executed in respect of the aforesaid two properties in favour of late Shri Ashok Verma as Ex. PW1/5 and Ex. PW1/6. The petitioners have also proved and exhibited as Ex. PW1/12- Ex. PW1/27, documents to show that besides holding two postal accounts with his wife, late Shri Ashok Verma was holding seven bank accounts including fixed deposits. The details of the movable and immovable assets left behind by late Shri Ashok Verma have been set out in Schedule-I, which was duly exhibited as Ex. PW1/7 during evidence and are for the sake of clarity, noted herein below:

“SCHEDULE -1
ESTATE OF LATE SHRI ASHOK VERMA

A. IMMOVABLE PROPERTIES:



Sr. No.	Property	Built Up area	Status	Ownership	Valuation(Rs.)
1.	G-1/94 G.F. Sec-16 Rohini Delhi-110089	25.90 Sq.Mts	Unsold	100%	30,00,000
2.	G-1/95 G.F. Sec-16 Rohini Delhi-	25.90 Sq.Mts	Unsold	100%	30,00,000

B. MOVABLE PROPERTIES:**a. Postal Bank Account**

S.No.	Particulars	Details
1.	Name	Ashok Verma and Asha Verma
2.	Scheme	S/B (General)
3.	Account No.	7965156491
4.	CIF ID	722362421
5.	Account Open Date	16.03.2011
6.	Nomination Registered	No.
7.	Mode of Operation	Joint
8.	Address of Bank	Rohini, Sector-15, Post Office, Delhi-110 089.
9.	Amount as on 31.03.2021	Rs.5726/-

Monthly income scheme

1.	Name	Ashok Verma and Asha Verma
2.	Account Number	7965244320
3.	CIF	722339557
4.	Amount	1,20,000 (In Rs)
5.	Date of Opening	21/25.08.2014

**b. SAVINGS BANK ACCOUNT**

<i>S.No.</i>	<i>Bank and Branch Name</i>	<i>Account no.</i>	<i>Amount (In Rs.)</i>
1.	Axis Bank GP-02, Maurya Enclave, Pitam Pura, Near Gopal Mandir, Delhi-110088	40010100057318	1,62,491.63
2.	Canara Bank, Manav Chowk, Sector 15 Branch, Rohini, Delhi-110089	2758101001988	1,620
3.	Central Bank of India, DDA, Madhuban Chowk, Sector-14, Rohini, Delhi-110085	30822992859	77,060.12
4.	ICICI Bank, H-3/24, Upper Ground Floor, Sector-18, Rohini, Delhi-110088	84201500675	67,336.00
5.	Nainital Bank, Jain Bharti Model School E Block Sector -16 Rohini Delhi-85	732000000002148	4,976.00
6.	Punjab National Bank, Sector-7, Rohini, Naharpur, 110085	3028000100018166	1,05,967.64
7.	State Bank of India,	57006861745	1,32,341.00



	Sector-7,Rohini ,Naharpur,11008		
	Total Rs. 5,51,792.72		

c. FIXED DEPOSITS

1. Axis Bank

<i>S.No.</i>	<i>Fd. No.</i>	<i>Amount (In Rs.)</i>
1.	9150400537-92717	2,85,479.00
2.	9160400536-61348	4,71,707.00

Total Rs. 7,57,186/-

2. Canara Bank

<i>S.No.</i>	<i>Fd. No.</i>	<i>Amount (In Rs.)</i>
1.	KL-609584	27,491
2.	KL-609585	1,35,976
3.	KK-206029	4,44,578
4.	KF-967201	2,65,351
5.	KL-009523	58,952
6.	KJ-568933	26,239
7.	KI-009643	82,801

Total Amount- Rs.10,41,388/-

3. Central Bank of India

<i>S.No.</i>	<i>Fd. No.</i>	<i>Amount (In Rs.)</i>
1.	N-592357	86,378
2.	N-592694	4,95,235
3.	N-592693	4,72,200

Total Amount – Rs.10,53,813/-

4. ICICI Bank

<i>S.No.</i>	<i>Fd. No.</i>	<i>Amount (In Rs.)</i>
1.	84213003418	3,32,324.00
2.	84213002547	56,202.00
3.	84213002858	2,32,044.00

Total Amount Rs.6,20,570/-



5. Nainital Bank

S.No.	Fd. No.	Amount (In Rs.)
1.	3507330	50,241
2.	35010309	1,33,207
3.	35011027	61,993
4.	3509037	62,587
5.	3506700	5,69,763
6.	310108	1,00,000
7.	35011580	36,637

Total Amount Rs. 10,14,428/-

6. Punjab National Bank

S.No.	Fd. No.	Amount (In Rs.)
1.	302800DM00000705	50,000
2.	302800PM00000772	50,000
3.	302800D100000729	3,92,391
4.	302800PU00146122	1,39,703
5.	302800PU00035345	2,10,245
6.	302800DA00016391	1,04,448
7.	302800PU00011716	7,10,627
8.	302800SCSS000281	9,00,000

Total Amount Rs. 25,57,414/-

7. State Bank of India

S.No.	Fd. No.	Amount (In Rs.)
1.	3507330	50,241
2.	35010309	1,33,207
3.	35011027	61,993

Total Amount Rs. 9, 73, 647/-



Total amount in Fixed Deposits in Banks

S. No.	Bank Deposits (Fixed Deposits)	Amount (In Rs.)
1.	Axis Bank	7,57,186
2.	Canara Bank	10,41,388
3.	Central Bank of India	10,53,813
4.	ICICI Bank	6,20,570
5.	Nainital Bank	10,14,428
6.	Punjab National Bank	25,57,414
7.	State Bank of India	9,73,647
	total	Rs. 80,18,446/-

6. In the light of the aforesaid and taking into account that late Shri Ashok Verma had no Class-I legal heir, I am of the view that the petitioners have been able to prove that they, being Class-II legal heirs, have an interest in the estate of late Shri Ashok Verma and are, therefore, entitled to grant of Letters of Administration in their favour. The petition is, therefore, allowed by directing that subject to the petitioners filing the requisite court fee and an administration bond to the satisfaction of the learned Registrar General of this Court, Letters of Administration qua the estate of late Shri Ashok Verma be granted in favour of the petitioners, for which purpose, the matter be listed before the learned Registrar General of this Court on 23.01.2024.

7. Taking into account that the petitioners are the only three Class-II



2023:DHC:9227



legal heirs of late Shri Ashok Verma, who are entitled to inherit his estate and there being no Class-I legal heir as noted hereinabove, they are exempted from furnishing any surety bond.

8. The petitioners are 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)
JUDGE

DECEMBER 20, 2023
acm