



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

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*Reserved on : 12th December, 2023
Pronounced on: 18th December, 2023*

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TEST.CAS. 67/2023

1.

SMT. RENU NARWANI

W/o late Shri Sanjay Narwani,
R/o House No. B 13, Tower-16, Type-4,
Kidwai Nagar East, Sarojini Nagar,
South West Delhi, Delhi-110023

2.

Ms. NEHA NARWANI,

D/o late Shri Sanjay Narwani,
And Smt. Renu Narwani,
R/o House No. B 13, Tower-16, Type-4,
Kidwai Nagar East Sarojini Nagar,
South West Delhi, Delhi-110023

..... Petitioners

Through: Ms. Jyoti Dutt Sharma, Mr. Rahul
Sharma, Mr. Ayush Bhatt, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

1. The petitioners, Smt. Renu Narwani and Ms. Neha Narwani, have filed the present Petition under under *Section 278 of the Indian Succession Act, 1923* for grant of a Letter of Administration in respect of the estate left behind by late Shri Sanjay Narwani.



2. **It is submitted in the Petition that** late Shri Sanjay Narwani, husband of petitioner No. 1 and father of petitioner No. 2, died intestate at the age of 51 on 24.03.2019 at the Institute of Liver and Biliary Sciences, New Delhi. At the time of his death, the deceased was working as the Office Supervisor on contract basis in the Central Public Works Department Enquiry Office, North Avenue, New Delhi-110001 and was residing at House N0.77/3C, Kali Bari Marg, Sector-2, DIZ Area, NewDelhi-110001. It is asserted that this is the fixed place of abode as the petitioners and the deceased have been residing there for 17 years till his demise on 24.03.2019.

3. The marriage between petitioner No.1 and the deceased was solemnised on 18.10.2001 and they have a daughter from the wedlock i.e. petitioner No. 2. It is asserted that the petitioners are the only legal heirs of the deceased. Since petitioner No.2 was a minor at the time of institution of the Petition, she was represented by petitioner No.1 being her mother and natural guardian.

4. Late Shri Sanjay Narwani was the lawful owner and was in exclusive possession of the of freehold immovable residential property at House No. MIG 04, Shastri Nagar (admeasuring. 155.25 Sq. Meter), Gorakhpur, Uttar Pradesh (*hereinafter referred to as "the Immovable Property"*). The Sale/Title Deed No.5268 dated 21.12.2000 of the Immovable Property was duly registered with the Sub-Registrar, Gorakhpur, Uttar Pradesh in Book No. 1-3752 - at pages No.337-378. The said Immovable Property has been valued at Rs. 55,00,000.

5. It is submitted there is no liability on the Immovable Property and that late Shri Sanjay Narwani does not own any other property apart from the aforementioned Immovable Property.



6. Furthermore, the deceased has not executed any testament or Will in respect of his properties prior to his demise. Thus, a Letter of Administration has been sought by his legal heirs.

7. A Citation was published in English daily Newspaper “Statesman” on 18.11.2019 and in “Rashtriya Sahara” on 29.11.2019. No Objections have been received from the respondent or any other party.

8. In order to prove the Will, **Petitioner No. 1 as P1** tendered her Evidence by way Affidavit **Ex. P-1/A**. In support of her assertions, she has proved her marriage with the deceased through her Marriage Registration Certificate Ex P1/1 and copy of her Identity card as a Private Secretary with the Ministry of Health and Welfare & Adhaar Card Ex P1/2& Ex P1/3. It has been deposed by her that apart from the petitioners, there are no other Class I heirs of the deceased. Citation published in English daily “Statesman” on 18.11.2019 and in “Rashtriya Sahara” on 29.11.2019 are collectively Ex P1/4. The copy of the Sale/ Title Deed in favour of the deceased is Ex P1/5 and the original Death Certificate of late Shri Sanjay Narwani, issued by the South Delhi Municipal Corporation is ExP1/6. In addition to the above, a Declaration to the effect that there is no liability upon the Estate of deceased late Shri Sanjay Narwani has been given by petitioners which is Mark Ex P1/8.

9. The Valuation Report for the Immovable Property submitted by the District Collector, Gorakhpur on 08.02.2022 is Mark Ex P1/7.

10. **Petitioner No. 2 appeared as P2** and tendered her evidence by way Affidavit **Ex. P-2/A**. She has proved her relationship with the deceased through her Birth certificate marked as Ex P2/1 and a copy of her Adhaar



Card marked as Ex P2/2. She has deposed that she was a minor when the petition was instituted and was thus represented by petitioner No. 1, her mother and natural guardian. She has now attained majority and has no objection if the petition is allowed in favour of petitioner No. 1 qua the Immovable Property.

11. The entire proceedings and tendering of evidence had been completed before the learned ADJ, Patiala House Courts. Subsequently, the matter was transferred vide Order dated 07.08.2022 to this Court on the ground of pecuniary jurisdiction in TR(P). 128/2023.

12. Pertinently, No Objection has been filed against the grant of the Letter of Administration.

13. **Submissions heard.**

14. The requirements of an application for a Letter of Administration has been provided under Section 278 of the Indian Succession Act, 1925, which reads as under:

***“278. Petition for letters of administration.—(1)**
Application for letters of administration shall be made
by petition distinctly written as aforesaid and stating—*

(a) the time and place of the deceased's death;

*(b) the family or other relatives of the deceased, and
their respective residences;*

(c) the right in which the petitioner claims;

*(d) the amount of assets which are likely to come to the
petitioner's hands;*

*(e) when the application is to the District Judge, that the
deceased at the time of his death had a **fixed place of***



abode, or had some property, situate within the jurisdiction of the Judge; and

(f) when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate. (2) Where the application is to the District Judge and any portion of the assets likely to come to the petitioner's hands is situate in another State, the petition shall further state the amount of such assets in each State and the District Judges within whose jurisdiction such assets are situate."

15. In compliance with Section 278(a), (b) & (c) of the Indian Succession Act, 1925, the petitioner Nos. 1 & 2 have stated that late Shri Sanjay Narwani, who died on 24.03.2019, is their husband and father respectively and the family resided together at House N0.77/3C, Kali Bari Marg, Sector-2, DIZ Area, NewDelhi-110001 which was his **"fixed place of abode"**. This address is within the jurisdictional limits of this Court and had been their place of residence for the last 17 years. This is corroborated by the Death Certificate of late Shri Sanjay Narwani Ex P1/6 which also records aforementioned as his address. The Adhaar cards of petitioner Nos. 1 & 2 Ex P1/3 & Ex P2/1 reflects their address as B-13 Tower-16 Type 4, East Kidwai Nagar, Sarojini Nagar, South West Delhi, Delhi 110023. The petitioners have proved that they reside within the jurisdictional limits of this Court.

16. Further, it is proved that the House N0.77/3C, Kali Bari Marg, Sector-2, DIZ Area, New Delhi-110001 was the only asset of the deceased which he acquired through Sale Deed dated 21.12.2000 Ex P1/5.



17. Since No Objections have been received against the grant of Letter of Administration in favour of the petitioners, the present petition is hereby, allowed.

18. On payment of the requisite court fee, in case of deficiency, and other formalities noted above, the Letter of Administration shall be issued by the Registry.

19. List before the learned Joint Registrar on 10.01.2024 for depositing of the bond.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 18, 2023
i/rs