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

+ **TEST.CAS. 76/2023**

RAJESH NAIR

.....Petitioner

Through: Mr. Rajat Gupta, Advocate
versus

THE STATE & ORS.

.....Respondents

Through: Mr. Abhinav Garg (9810196968) and
Ms. Palak Gupta, Advs. for R-1/State
Ms. Kirti Mewar, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.02.2025

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1. This petition has been filed under Section 218 read with Sections 278 & 300 of the Indian Succession Act, 1925 for grant of Letters of Administration ('LOA') with respect to the estate of '*Late Sh. Gopala Krishnan Nair*' ('**the deceased**').

2. The deceased was the father of petitioner and respondent No.3, who are the only surviving legal heirs. The deceased passed away on 29th April 1998; his Death Certificate has been placed on record which forms part of evidence and has been exhibited as **Ex. PW-1/1**.

3. *Late Mrs. R. Sarojam Nair*, wife of the deceased, passed away on 10th July 1999 and her Death Certificate has also been placed on record and has been exhibited as **Ex. PW-1/3**.

4. Succession certificate dated 11th April 2002 is Ex. PW-1/4. The '*Surviving Members Certificate*' issued by the Revenue Department, Government of NCT of Delhi, Office of the District Magistrate, Sarita Vihar, South East Delhi is **Ex. PW-1/2**.



5. Counsel for respondent No.3 states that they have no objection to grant of LOA. An affidavit of '*No Objection*' dated 15th December 2023, has also been filed by respondent No.3.
6. The Schedule of properties is as under:

PARTICULARS	AMOUNTS (IN RS.)
At the time of the presentation of the present petition, the deceased owned the following immovable property. - Plot of land bearing survey no. 76/15/21 situated at Mampara House, Keerikkad PO, Ramapuram, Alappuzha District, Kerala-690508.	Rs. 17,42,000/-
Total	Rs. 17,42,000/-
Less amount shown in Annexure – B	Nil
NET TOTAL	Rs. 17,42,000/-

7. The valuation of properties have also been obtained through *Taluk Office, Karthikappally, Haripad P.O- 690514*. The '*Certificate of valuation of suit properties*' has been extracted as under:



No. C3- 925/2024

Taluk Office, Karthikappally
Haripad P.O. 690514
Phone NO. 0479-2412797
Email- tokply04-ker@nic.in
Date: 29-05-2024

CERTIFICATE

Certified that the total land value for an extent of 03.30 ares of dry land comprised in Re.Sv. No.76/21 in block 20 of Keerikkad village which stands registered in the name of Sri. Capalakrishnan Nair S/o. Kesavan Nair Mampara veetil, Keerikkad village, Karthikappally Taluk, Alappuzha District of Kerala State as per Thandapper Account No. 7330 of Keerikkad Village is estimated to be Rs. 4,23,486/- (Rupees Four lakhs twenty three thousand four hundred and eighty six only) subject to prior encumbrance if any.

This certificate is issued to be produced before The Hon. High Court of Delhi.

Signed by

Ajith Joy

Date: 29-05-2024 17:48:20

Tahsildar

NB: Land transaction if any done by the party may be ascertained through encumbrance certificate and original sale deed.

8. It is stated by the counsel for petitioner that there is no other legal heir except for petitioner and respondent No.3.
9. An affidavit of evidence led by petitioner, has also been placed on record.
10. Having heard the counsels for the parties and perusing the documents on record, in the facts and circumstances, this petition is allowed.
11. Letters of Administration be granted in favour of petitioner in respect of estate of *Late Sh. Gopala Krishnan Nair*, subject to petitioner submitting an administration bond to the satisfaction of the Registrar. Surety bond is being exempted since there is no contest to the grant of Letters of Administration.
12. Considering that the suit property is situated in Kerala, Registry shall



send a certificate in respect of Letters of Administration to the High Court at Kerala, in prescribed form, in consonance with *Schedule IV* of the Indian Succession Act, 1925.

13. Petition stands disposed of with these directions.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 11, 2025/sm/kp