



2025:DHC:9425



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

+ **TEST.CAS. 65/2025**

Date of Decision: 14.10.2025

IN THE MATTER OF:

MR. VIVEK MATHUR
S/O LATE SH. SHAHZAD BAHADUR
R/O 9-B, POCKET-A, DDA FLATS,
SUKHDEV VIHAR, NEW DELHI-110025

.....PETITIONER

(Through: Mr. Ateev Mathur and Mr. Amol Sharma, Advocates.)

Versus

1. STATE OF NCT OF DELHI
THROUGH ITS STANDING COUNSEL

.....RESPONDENT NO.1

2. MRS. RAGINI MATHUR
W/O SH. ATUL KUMAR MATHUR
R/O D-402, ANUKAMPA PLATINA,
GRAM SUKHIA, MANSAROVER EXTENSION,
MUHANA MANDI ROAD, JAIPUR-302020

.....RESPONDENT NO.2

3. MRS. SHALINI MATHUR
W/O SH. MANOJ MATHUR
R/O 9-B, POCKET-A, DDA FLATS,
SUKHDEV VIHAR, NEW DELHI-110025

.....RESPONDENT NO.3

*(Through: Ms. Vaishali Gupta, Panel Counsel with Ms. Ishika Baheti,
Advocates for R-1.)*

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Signed By: NEHA CHOPRA
Signing Date: 28.10.2025
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By: PURUSHAINDR
KUMAR KAURAV



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CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. By way of the instant petition under Section 278 of the Indian Succession Act, the petitioner seeks for Letters of Administration (*LoA*) with respect to the estate of late Smt. Usha Mathur (*hereinafter referred to as 'testator'*) being property bearing no. 7A, Nilgiri III, Block C-75, Sector 34, Noida, Uttar Pradesh specifically mentioned in Schedule-I attached with the petition.

2. The facts of the case reveal that the deceased, late Smt. Usha Mathur was the owner of a 50% share in the aforementioned immovable property, while the remaining 50% share was held by her husband, late Sh. Shahzad Bahadur, who died on 27.11.2022. A copy of the death certificate dated 04.03.2024 of the testator is on record. The testator died on 14.02.2024. At the time of her death, she was survived by the following legal heirs:-

S. No.	Name	Relationship with the deceased
1.	Ragini Mathur	Daughter (Respondent no.2)
2.	Shalini Mathur	Daughter (Respondent no.3)
3.	Vivek Mathur	Son (Petitioner)

3. Respondent Nos. 2 and 3, who are the daughters of the testator, are represented through counsel. They have submitted their *No Objection* to the instant petition, and their respective affidavits in this regard are placed on

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record as part of the petition.

4. Pursuant to the issuance of notice, a publication was made on 07.08.2025 inviting objections, and an affidavit confirming the publication has been filed.

5. No one has raised any objections with respect to the said publication. As Respondent Nos. 2 and 3, being Class-I legal heirs of the testator, have already filed *No Objection Certificates*, and since no other objections have been raised by any party despite the publication, there remains no impediment in granting LoA.

6. This Court in the case of ***Sh. Raj Rani Bhasin vs. State***¹, has held that the person to whom LoA is granted does not thereby, become entitled to the property or estate of the deceased/testator and the estate still succeeds according to the law of succession applicable to the deceased/testator. The primary objective of a LoA, issued by the Court, is to authorize the appointed administrator to gather and consolidate the assets of the deceased or testator. It also allows the administrator to interact with relevant authorities where such assets are held or recorded, enabling the realization of those assets and facilitating their transfer to the rightful successors in accordance with the applicable laws of succession. It was further held that the administrator is required to, from time-to-time, to file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with the law of succession applicable to the deceased and upon the administrator

¹ 158(200) DLT 713



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defaulting in the same, the Court retains the power to revoke the grant. For the sake of clarity, Paragraph no.9 of the aforesaid decision reads as under:

“9. The person to whom letters of administration are granted does not thereby become entitled to the property or estate of the deceased. The estate still succeeds according to the law of succession application to the deceased. The purpose of Letters of Administration is merely to enable the administrator so appointed by the Court to collect/ assimilate the properties of the deceased, and/ or to deal with the various authorities with whom the properties of the deceased may be vested or recorded and to realize the same and / or to have the same transferred in the names of the successors in accordance with law of succession applicable to the deceased. The administrator is required to, from time-to-time, file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with law of succession application to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant.”

7. In view of the aforesaid, the Court directs that the LoA be issued in favour of the petitioner by the concerned Registrar subject to the valuation report which may be received from the concerned District Magistrate, subject to compliance of directions of the Court and furnishing the bond as well as the payment of the applicable Court fee.

8. Ordered accordingly.

9. The instant petition stands disposed of along with other pending applications.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

OCTOBER 14, 2025
Nc/sph