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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 85/2023**
MUKESH KUMAR SHARMAPetitioner

Through: Ms. Shruti Ranjan, Advocate (through
VC)

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.Respondents
Through: None

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **02.04.2025**

1. The present petition has been filed under Section 278 read with proviso (a) to Section 273 of the Indian Succession Act, 1925 ('Act of 1925') for grant of Letters of Administration with respect to the estate of late Sh. Surinder Kumar Sharma, which is immovable property bearing Flat No. B-706, Tower No. B, Sector-79, Golf Greens-79, Gurugram, Haryana ('subject property')
2. For the purpose of disposal of the present petition, the following essential facts alone needs to be noticed.
3. Late Sh. Surinder Kumar Sharma was husband of Respondent No.2 and father of Petitioner and Respondent Nos. 3 and 4.
- 3.1. As per the averment in the petition late Sh. Surender Kumar Sharma died on 29.12.2021 at Delhi at his residential address at I-88, Karampura,



West Delhi and therefore this Court has the requisite territorial jurisdiction to entertain and decided the present petition.

3.2. It is stated that the father of the Petitioner participated in the allotment process of Flat under affordable housing project 'Golf-Green-79, Sector-79, Gurugram, Haryana and was allotted subject property vide allotment letter dated 05.09.2020. It is stated that in this regards a Flat Buyer Agreement dated 05.09.2020 was also executed in favour of the late Sh. Surinder Kumar Sharma.

3.3. It is stated that the Petitioner along with Respondent Nos. 2 to 4 are the only Class-I legal heirs of the deceased.

3.4. It is stated that Petitioner herein filed a petition under Section 278 of the Act of 1925, which was numbered as Probate Petition No. 74/2022 before the Trial Court. It is stated that in terms of the order dated 10.11.2022, citation was published in the newspaper on 16.12.2022. It is stated that no one came forward to file objection to the said petition. It is stated valuation report in the said proceedings qua the subject property was filed by Naib Tehsildar Manesar, Haryana and the subject property was valued at Rs. 25,80,205.5/-. It is stated that on 20.04.2023 Respondent No.3 herein appeared before the Court on her behalf and also on behalf of the Respondent No. 2 and 4. It is stated that her statement was recorded, recording her no objection to the grant of Letters of Administration in favour of the Petitioner. It is stated that on 07.07.2023 the petition was disposed of by District Court (because of proviso (b) to Section 273 of the Act of 1925) with liberty to the Petitioner to file afresh in Court having jurisdiction as the property in question was outside Delhi and of value more than Rs. 10,000/-.



4. Pertinently, notice in the present petition was issued on 17.11.2023. It is stated that vide the said order Court also issued direction for publication of citations in 'The Statesman' (English) and 'Nav Bharat Times' (Hindi). The said citations were published on 02.12.2023 as recorded in the order dated 05.12.2023.

5. It is a matter of record that this Court directed the Respondent Nos. 2 to 4 to file their no objection affidavit, which were duly filed on 22.02.2024.

6. *Vide*, order dated 23.09.2024 the learned Joint Registrar issued notice to SDM, Gurugram, Haryana (SDM concerned) with directions for filing valuation report qua the subject property. It is noted that the said report has not been filed till date. Learned Counsel for the Petitioner states that in the valuation report dated 02.02.2023 filed by SDM before District Court qua the subject property has already been filed along with the petition and the same may be relied upon by this Court. As per the said valuation report placed on record the subject property is valued at Rs. 25,80,250.50/-

7. In the facts noted above, where the Petitioner is one of the Class-I legal heir of the deceased and other Class-I legal heirs i.e., Respondent Nos. 2 to 4 have given their no-objection to the petition being allowed in favour of the Petitioner, there seems no impediment in granting Letters of Administration qua the subject property.

8. In view of the above Letters of Administration qua immovable property bearing Flat No. B-706, Tower No. B, Sector-79, Golf Greens-79, Gurugram, Haryana are hereby granted in favour of the Petitioner.

9. Registry is directed to issue Letters of Administration as per valuation report dated 02.02.2023 filed by the Naib Tahsildar *qua* the subject property before the Trial Court in Probate Petition No. 74/2022, on paying requisite



stamp duty etc. and also upon furnishing administration and surety bond by the Petitioner.

10. With the aforesaid directions, the petition stands disposed of.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2025/sk

[Click here to check corrigendum, if any](#)