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

+ W.P.(C) 11014/2025 and CM APPL.45374/2025 (Stay)

RAHUL GAUTAM & ORS.Petitioners

Through: Mr. Sarthak Sawhney and Ms.
Malvica Satija, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Avni Singh, Advocate for R1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **29.07.2025**

CM APPL.45375/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 11014/2025

3. The limited relief sought by the petitioners in the present petition is that the respondent no.1 be directed to decide the representation dated 11.04.2025 filed by the petitioners seeking revocation of the Surviving Member Certificate (SMC) bearing no. 90660000264609 issued by the respondent no. 1 to respondent nos. 2 to 5. It is submitted that the concerned SMC has been issued on 18.02.2025 in respect of the late Sh. Jai Bhagwan, who died intestate on 21.03.2024.

4. It is submitted that the deceased had two wives viz. respondent no. 2 and petitioner no. 2 herein. From his first marriage with respondent no.2, he had 5 children including the respondent nos.3, 4 and 5. From his second marriage with petitioner no.2, he had 5 children including the petitioner nos.1, 3, 4 and 5.

5. It is submitted that the concerned SMC dated 18.02.2025 issued by



the respondent no. 1, mentions only the respondent nos. 2 to 5 as the surviving members of the deceased while omitting the names of the petitioners as the surviving members of the deceased in spite of the fact that they are class-I legal heirs of the deceased.

6. It is further submitted that respondent nos. 2 to 5 have obtained the SMC by furnishing false information and concealing the existence of the petitioners. It is apprehended that the SMC has been misused by the said respondents to claim the exclusive rights over the property of the deceased, after excluding the petitioners herein.

7. As such, the limited relief sought by the petitioner is that the representation of the petitioner dated 11.04.2025 seeking revocation of the SMC be decided by the respondent no.1.

8. Considering the limited nature of the relief sought by the petitioners, the present petition is disposed of with a direction to the respondent no.1 to decide the aforesaid representation dated 11.04.2025 of the petitioners. For this purpose, let an opportunity of hearing be given to the petitioners as also to the concerned respondents. Let the said exercise be done expeditiously and preferably within a period of 2 months from today.

9. If so warranted, it shall be open to the respondent no.1 to revoke the surviving member certificate no. 90660000264609 dated 18.02.2025 issued by the respondent no.1.

10. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

JULY 29, 2025/at