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

+ W.P.(C) 29/2025

DR UTPALENDU BOSE

.....Petitioner

Through: Mr. Ashim Vachher, Sr. Adv., Mr.
Kunal Lakra, Mr. Vaibhav Dabas,
Advts.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Anuj Aggarwal, ASC, Mr.
Siddhant Dutt and Ms. Ishita Pandey,
Advts. for R-1, 2 and 3.
Mr. Nitesh Mehra, Ms. Hitakshi
Mehra and Ms. Angel Bhardwaj,
Advts. for R-4/MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

25.02.2025

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1. The present petition has been filed by the petitioner assailing an order dated 06.09.2024, passed by the SDM, Mayur Vihar, Delhi, whereby the petitioner's request for issuance of a death certificate of his father, Late Sh. Bimalendu Bose has been denied on the ground that the requisite application was filed on an offline mode. According to the impugned order, it is mandatory for the applicant to apply through an online mode to get the "*delayed death order*". Hence, the petitioner's application was dismissed.
2. The petition discloses that Late Sh. Bimalendu Bose is survived by the petitioner and respondent nos.5 and 6. None of the children of Late Sh. Bimalendu Bose are citizens of India. The petitioner is the citizen of United Kingdom and the respondent nos.5 and 6 are the citizens of Canada, residing at the addresses indicated in the petition.



3. It is averred in the petition that the petitioner and respondent nos.5 and 6 are the only surviving class-1 legal heirs of Late Sh. Bimalendu Bose and that there is no other class-1 legal heir who is currently alive. The wife of Late Sh. Bimalendu Bose, i.e. Late Smt. Dipti Bose, predeceased him and expired on 22.02.2002. The death certificate of Late Smt. Dipti Bose has been annexed along with the present petition.

4. The petition discloses that Late Sh. Bimalendu Bose was the owner of property situated at C-30, East End Apartments, near Ashok Nagar Metro Station, Mayur Vihar, Phase-I (Extension), Mayur Vihar, Vasundhra Enclave, Preet Vihar, East Delhi-110096. Late Shri Bimalendu Bose, before his demise, had submitted an application for nomination for transfer of his share and interest in the said Society, after his demise, jointly in favour of his three children i.e. the petitioner and the respondent nos.5 and 6. A copy of the Nomination form submitted by Late Shri Bimalendu Bose with the said Society is annexed along with the petition, ANNEXURE-7 thereto.

5. It is submitted that the petitioner and the respondent nos. 5 and 6, being foreign citizen, they do not have any Aadhar Card and their passports have also not been issued by concerned authorities in India. However, on a perusal of the documents annexed with the petition, it is *prima facie* evident that the petitioner and respondent nos.5 and 6 are the children of Late Sh. Bimalendu Bose. In particular, this is apparent from the form of nomination submitted by Late Sh. Bimalendu Bose during his lifetime with the East End Apartments CGHS Mayur Vihar, Phase-I Society, Delhi, which is enclosed along with the present petition.

6. It is pointed out that Late Sh. Bimalendu Bose had also executed an affidavit on 30.09.1986 clearly showing that the petitioner is one of the sons



of Late Sh. Bimalendu Bose.

7. The petition also relies upon a certificate issued by the High Commission of India, as also the birth certificate of the petitioner reflecting the petitioner's date of birth and mentioning the name of his father. Reliance is also placed on the marriage certificate of the petitioner, issued by the Registrar of Marriages, Delhi on 05.08.1982.

8. Considering the aforesaid circumstances, it is incongruous to require the petitioner to submit an online application to get the “***delayed death order***”, given that the petitioner is not in a position to upload any Aadhar Card, as prescribed. The petitioner is therefore permitted to submit an offline application to the concerned SDM for obtaining the “***delayed death order***”.

9. The concerned SDM is directed to consider the said application, together with the aforementioned and other document/s that may be relied upon, in support of the assertion that the petitioner and the respondent nos. 5 and 6 are the only surviving class-1 legal heirs of Late Sh. Bimalendu Bose. Let the petitioner and the respondent no. 5 and 6 also submit an affidavit in this regard to the SDM.

10. Let the SDM consider the offline application to be submitted by the petitioner and take requisite steps to process the request of the petitioner for issuance of a “***delayed death order***”. Let the said exercise be concluded within a period of six weeks from today.

11. Upon a “***delayed death order***” being issued to the petitioner, the MCD is also directed to expeditiously process the issuance of a death certificate of the late father of the petitioner.

12. It is made clear that this order has been passed in the peculiar facts



and circumstances of the present case.

13. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 25, 2025/cl