IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 6707 OF 2025
WITH
MISCELLANEOUS PETITION NO. 509 OF 2024
IN
TESTAMENTARY PETITION NO. 1610 OF 2018

Gogi Kaur Keer @ Daljeet Tarvinder Keer ...Applicant
In the matter between
Davinder Amardeep Singh Chadha ...Deceased

Gogi Kaur Keer @ Daljeet Tarvinder Keer ...Petitioner
vs.
Inderjeet Singh Amardeep Chaddha @ Supremo Chadha ...Respondent

Mr. Rajiv Narula a/w Ms. Nidhi Loya i/b Jhangiani Narula and Associates, for the Applicant.
Mr. Ayush Kedia a/w Mr. Omkar Mayekar, Ms. Disha Chaurasia, for the Respondent.
Mr. Rakesh Pathak, AGP for the State.

CORAM : SHARMILA U. DESHMUKH
RESERVED ON : 19th DECEMBER, 2025
PRONOUNCED ON : 13th JANUARY, 2026

ORDER:

1. This is an application under Section 247 of Indian Succession Act, 1925 (for short "Succession Act") seeking *inter alia* appointment of the Applicant as administrator *pendente lite* in respect of estate of late Amardeep Singh Chaddha. The Application has been filed by the Applicant in her capacity as legal heir of the deceased late Amardeep Singh Sujan Singh Chaddha and of Amardeep's wife Late Mrs. Davinder Kaur.

2. Shorn of unnecessary details, the facts are that there are two Wills propounded of the deceased Amardeep Singh, one by Davinder Kaur during her lifetime and the second Will by the Respondent herein. Davinder Kaur filed Testamentary Petition No. 1610 of 2018 seeking letters of administration with Will annexed dated 29.01.2014 of the deceased Amardeep. Testamentary Petition No. 2458 of 2017 is filed by the Respondent seeking Probate of Will dated 12.04.2017 of the deceased Amardeep. Upon Caveats being filed in the respective testamentary petitions, the petitions are converted into suit. In so far as the Testamentary Petition No 1610 of 2018 filed by Davinder Kaur is concerned, the Respondent's Caveat is dismissed and it is stated that the Respondent is in the process of applying for restoration.

3. The estate of deceased Amardeep consists of several properties, one of which is Amardeep Lodging, Boarding and Restaurant and Bar (for short "Hotel Amardeep"). During her lifetime Davinder Kaur filed Miscellaneous Application (L) No. 2 of 2018 in Testamentary Petition No. 1610 of 2018 seeking her appointment as administrator *pendente lite.* This Court vide detailed order dated 15.02.2019 appointed Davinder Kaur as administrator and the Respondent was directed *interalia* to hand

over the possession of all assets in his custody including the property on which Amardeep Hotel was being run by the Respondent within four weeks of the date of order and Davinder Kaur was permitted to conduct the said hotel business with consequential directions.

4. The Respondent filed Appeal (L) No 114 of 2019 challenging the order dated 15.02.2019 which came to be dismissed vide order dated 25th April, 2019. The challenge was carried to the Hon'ble Apex Court by filing Special Leave Petition. By order dated 10th May, 2019 the Hon'ble Apex Court directed the Respondent herein to file the income tax returns of the Hotel for last three years and documentary evidence to show that he was running the hotel for last 20 years. The Hon'ble Apex Court ordered status quo regarding the management of the hotel subject to payment of Rs 7,00,000/ per month by Respondent herein to Davinder Kaur without prejudice to his rights. During the pendency of Special Leave Petition, Davinder Kaur expired on 19.06.2019. The Hon'ble Apex Court recorded the submission of death of Davinder Kaur and dismissed the Petition by order dated 8th July, 2019, which was recalled by order dated 9th August, 2019 and the Special Leave Petition was dismissed as infructuous. .

5. The present Application under Section 247 of Succession Act is filed by the daughter of deceased Davinder Kaur and Amardeep Singh, who is also propounding the Will of Davinder Kaur dated 5th April, 2019 as sole executor and beneficiary by filing Testamentary Petition No 2545 of 2022. Citation has been served upon the Respondent. The Application after setting out the history of the previous litigation pleads that there is non compliance of the order dated 15th February, 2019 and the order of Hon'ble Apex Court as regards the payment of sum of Rs 7,00,000/ per month to Davinder Kaur. It is contended that the Respondent is siphoning of the income generated from the hotel business, which is majorly in cash, for his personal expenses/requirements. It is pleaded that post order of 15th February, 2019, the Respondent is running a restaurant form the property on which Hotel Amardeep is located in partnership with Mridul Singhvi and is attempting to obtain new shops and establishment licenses. The Respondent's daughter has applied for issuance of liquor license in name of M/s 99 Hospitality and the address provided is of Hotel Amardeep. There is civil proceedings initiated by the deceased Amardeep and Davinder Kaur against the Respondent for injunction and for challenging the Gift Deeds in respect of certain flats of deceased Amardeep which are pending.

6. The Respondent has filed reply Affidavit contending that the deceased Amardeep during his lifetime had gifted Hotel Chena Garden situated at Thane to the Applicant and the Applicant has already received her share from the estate of the deceased. The Applicant is unable to manage Hotel Chena Garden on her own and has given the hotel on rental basis to third party and cannot seek relief of being appointed as administrator of Hotel Amardeep. It is stated that there are three Wills of the deceased parents of the Applicant and Respondent No. 1 which are pending adjudication. It is stated that the Respondent has already complied with the Hon'ble Supreme Court's order dated 10.05.2019 by giving the deceased Davinder Kaur Demand Draft of Rs. 7,00,000/-. It is contended that the Hon'ble Apex Court dismissed the Special Leave Petition as infructuous. As per the Will dated 12th April, 2017 of deceased Amardeep, after the demise of Davinder Kaur all the properties is to be transferred in name of Respondent. The Respondent utilised the ground portion of Hotel Amardeep and only kitchen business with liquor was started on conducting business which was closed down and now the Respondent is in exclusive possession of the said portion and is in the process of obtaining liquor license to start business on his own.

7. An additional Affidavit has been filed by the Applicant contending that the Respondent constructed an unauthorised shed in open space of Hotel Amardeep for which notice under Section 351 of Mumbai Municipal Corporation Act was issued for demolition and Suit No 1134 of 2013 was filed in name of Amardeep challenging the notice. The Respondent had fraudulently opened a bank account in name of deceased Amardeep. The Respondent's daughter has applied for excise license in which Excise Department's report records about rent agreement in name of the Respondent's daughter. The health license has been transferred in the name of the Respondent's daughter. One Mridul D. Singhvi had entered into a partnership business to run the restaurant from the unauthorised structure constructed by the Respondent in the name of M/s 99 Hospitality in respect of which Mridul Singhvi has filed civil proceedings seeking protection of possession and injunction. The Applicant's paternal Uncle Narinder Singh had filed suit in the year 1984 for partition in which a preliminary decree of partition was passed on 27.08.2009 and the deceased got possession of the first floor of 12-A, Evergreen Building known as Amardeep Hotel, garage and part of the open space at the east side of the property touching railway boundary.

8. Interim Application No. 6707 of 2025 has been preferred by the Applicant for a direction to the Respondent to forthwith pay the outstanding municipal property taxes of Rs. 86,83,158/- in respect of Hotel Amardeep and for appointment of Court Receiver. It is stated that the Respondent has been unlawfully dealing with the estate property by entering into conducting agreement dated 4th October, 2021 in favour of third party i.e. Rohra Hospitality LLP and by reason of dispute the conductor has lodged FIR against the Respondent. It is stated that there are arrears of the property taxes of Rs 86,83,158/.

SUBMISSIONS :-

9. Mr. Narula, Learned counsel for the Petitioner has taken this Court through the findings in the order dated 15.02.2019 passed by this Court in Miscellaneous Application (L) No. 2 of 2018 to contend that this Court had arrived at a finding of necessity of appointing Davinder Kaur as administrator. He submits that though the order directs the Respondent to hand over possession of all assets to Davinder Kaur, there is non compliance of the order. He submits that by order of 10.05.2019 passed by the Hon'ble Apex Court , the Respondent was directed to file income tax returns by the Hon'ble Apex Court and documents to show that the Respondent has been

running the hotel for the last 20 years, which has not been filed. He submits that the Hon'ble Apex Court granted status quo regarding the management of the hotel subject to the Respondent paying Rs. 7,00,000/- per month to Davinder Kaur, which was not paid. He submits that in view of the order dated 15.02.2019, the Applicant being the legal heir of Davinder Kaur is entitled to conduct the business of Hotel Amardeep. He has taken this Court through the Will of deceased Amardeep dated 29th January, 2014 to point out that the deceased has stated about the interference of Respondent in the business of Hotel Amardeep and had bequeathed all assets to Davinder Kumar. He submits that the Respondent has fraudulently opened a bank account in the name of the deceased by forging his signature, has faked a divorce with his first wife and has been siphoning of Rs. 7,00,000/- per month showing purported payment of alimony to his wife. He would submit that taking advantage of the deceased being bed ridden at the relevant time, the Respondent constructed an unauthorised structure in the compulsory open space which resulted in penalty being imposed in the property tax of about Rs. 2,70,000/- per year and in addition there is arrears of municipal taxes. He would submit that the health license of a restaurant business has been surreptitiously transferred in the name of Respondent's daughter who has also applied for a liquor license in her name. He would further point out that the report of the Excise Inspector records that the daughter of the Respondent has obtained the premises mentioned in the application on rental basis from the Respondent herein. He submits that the Respondent has surreptitiously entered into partnership dated 17.11.2015 with one Mridul Singhvi under which 50% share of profit is to be given to the said partner. He submits that the partnership has landed into dispute in respect of which civil suit is pending. He submits that conducting agreement has been signed in the year 2021 by M/s 99 Hospitality with one Rohra Hospitality LLP in respect of Hotel Amardeep. An FIR has been registered against the Respondent at the instance of the said conductor in which the Respondent has obtained bail. He would further point out the Respondent’s Affidavit filed with the Corporation stating that he is not in a position to continue with the business. In support he relies upon the decision in the case of ***Manek Dara Sukhadwalla vs Shernaz Faroukh Lawyer and Ors.***[1]

10. Mr. Kedia, learned Counsel for Respondent submits that the first Will is of the year 2014 and the circumstances were largely different as compared to the year 2017 at the time of death of the deceased. He submits that the Respondent has been bequeathed

1 2014 SCC Online Bom 847

the first floor of Evergreen building of Hotel Amardeep which came to the share of the deceased Amardeep Singh. He submits that since Covid 19 pandemic, the hotel business has been affected and the profits earned are barely enough for upkeep of the hotel. He submits that as per the second Will dated 12.04.2017, the income generated from the hotel belongs to the Respondent. He submits that under the Will of Davinder Kumar, the Applicant could be bequeathed only the properties in which Davinder Kaur had any right, title and interest and assuming the second Will of the year 2017 to be genuine, the Respondent is entitled to possession of Hotel Amardeep. He submits that considering the first Will and the third Will, the Applicant and the Respondent will own Hotel Amardeep and therefore, the Respondent has the right to the said property. He submits that the amount of Rs. 7,00,000/- was withdrawn in order to pay maintenance to the first wife as per the order of Family Court. He submits that the order of 15.02.2019 passed by this Court appointed Davinder Kaur as administrator against which the Hon'ble Apex Court granted status quo and retained the control with the Respondent. He submits that the Special Leave Petition came to be dismissed as abated. He submits that the conducting agreement is only for the purpose of operating the restaurant, lounge and bar and there is no transfer of right, title and interest. He submits that the FIR lodged against the Respondent is pursuant to a private dispute and the Respondent has been granted anticipatory bail since 2023.

11. He submits that the Applicant has no knowledge of the running of a business as she has given her own hotel business on rent to third party. Pointing out the demand draft of Rs 7,00,000/ taken out in favour of Davinder Kaur annexed at Page 419 of the reply, he submits that there is due compliance of order of Hon'ble Apex Court.

12. In rejoinder, Mr. Narula, submits that though the Demand Draft was taken out, the same was not handed over to Davinder Kaur. He submits that in the Will of 2014, it is very clear that the management of the hotel was to remain with Davinder Kaur. He submits that as the decree of partition had taken place, the property was not ancestral and in the Will of 2014, the deceased has bequeathed all assets to Davinder Kaur and only pocket expenses for essential commodities was to be given to the Respondent. He submits that the judgment of 15.02.2019 of this Court notes the conduct of the Respondent.

13. I have considered the submissions and perused the record.

14. The Applicant has invoked the provisions of Section 247 of the Indian Succession Act, 1925 to seek appointment of administrator *pendente lite*. Section 247 of Succession Act reads as under:

> *247: Administration pendente lite: Pending any suit touching the validity of the will of a deceased person or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.*

15. The contours of the power vested under Section 247 of Succession Act has been succinctly summarised by Hon'ble Division Bench of this Court in earlier round of litigation where it held in paragraph 25 as under:

> *25. From the phraseology of the aforesaid Section, it becomes evident that it incorporates an enabling provision and invests the testamentary Court with power to appoint an administrator pendente lite. The text of aforesaid section does not, in terms, spell out the circumstances in which an administrator pendente lite may be appointed. Undoubtedly, the testamentary Court, in the backdrop of the facts and circumstances of the given case, ought to be satisfied as to the necessity for appointment of an administrator pendente lite. The object of conferring jurisdiction upon the testamentary Court to appoint an administrator pendente lite is*

> *implicit. The object appears to be to ensure that the estate of the testator is effectively managed and securely preserved for the benefit of the persons who are ultimately found to be entitled to succeed to it. The broad object subsumes in its fold a situation wherein it is brought on record that the act and conduct of the person in possession of the estate of the testator are detrimental to the protection and preservation of the estate. The afore-extracted section gives ample discretion to the Court as to the person who can be appointed as administrator pendente lite. There is no apparent prohibition for appointment of a party to the testamentary proceedings as an administrator pendente lite. However, the provision expressly puts two limitations on the powers of the administrator pendente lite: (i) he has no right to distribute the estate and (ii) he is subject to the immediate control of the Court and shall act under its direction.*

16. In this context, it will also be necessary to take into consideration the fact that under the later Will of the year 2017 propounded by the Respondent, the deceased Amardeep had appointed the Respondent as sole executor. The provisions of Section 211 of the Succession Act makes it clear that the executor is the legal representative for all purposes and all the property of the deceased person vests in him as such. The vesting of the property in the executor is only for the purpose of representation of the estate and the vesting is not of the beneficial interest in the property. Under the Will of the year 2014 propounded by the Applicant as legal heir of Davinder Kaur, the management of Hotel Amardeep

was to remain with Davinder Kaur. Though the Will of the year 2014 bequeaths Hotel Amardeep jointly to Davinder Kaur and Respondent by treating the property as ancestral property, it is also stated that all assets of the deceased shall be transferred to Davinder Kaur. The Additional Affidavit of the Applicant places on record the preliminary decree of partition passed between the deceased Amardeep and his brothers and that Hotel Amardeep was allotted to the share of deceased Amardeep. It is also admitted in the written submissions filed by the Respondent that the first floor of the Hotel came to the share of the deceased Amardeep.

17. The estate of the deceased Amardeep consists of several immovable properties including Hotel Amardeep which are subject matter of civil proceedings initiated during their lifetime by the deceased Amardeep and Davinder Kaur to restrain the Respondent from entering into the immovable properties and to challenge the gift deeds in respect of two flats. In the Testamentary Petitions, caveats have been filed questioning the genuineness of the respective Wills.

18. The position that emerges is that there is bonafide dispute between the parties in respect of the right representation of the

estate of the deceased and without adjudication of the genuineness of the Wills, the Respondent cannot claim right of representation of the estate under the Will of the year 2017, though appointed as sole executor.

19. In the earlier round of litigation, the inquiry was conducted by this Court as to the necessity of appointment of administrator *pendete lite* though at the instance of Davinder Kaur. The submissions of Mr. Narula in effect seeks implementation of the order of 15th February, 2019 passed in earlier application and seeks to substantiate the continuing necessity by pointing out the subsequent actions of the Respondent *qua* the property of Hotel Amardeep.

20. Vide order dated 15th February, 2019, the Learned Single Judge took into consideration the litigation between the parties and the bequests in the Wills propounded. The Court came to a finding that the Respondent has been paying substantial amount to his first wife as alimony out of income generated from the hotel business while accepting that the divorce decree was only on paper, and, that the statement of accounts clearly shows that large amounts have been withdrawn by the Respondent from the hotel

business towards personal expenses of the Respondent. The Learned Single Judge directed the Respondent to hand over the possession of all assets including the property of Hotel Amardeep to Davinder Kaur.

21. The Appellate Court re-examined the justifiability of appointment of administrator and whilst doing so, referred to the dispositions in the alleged Wills. The Appellate Court noted that there was flurry of activities in close proximity to the death of the deceased namely decree of divorce between the Respondent and Parmeet Kaur, marriage of the Respondent with one Ms. Sonu Pande, execution of two gift deeds by Davinder Kaur and the execution of the alleged Will in favor of the Respondent on 12.04.2017 which cannot be brushed aside as mere coincidence. The Appellate Court came to a finding that there is strong material to indicate that the Respondent herein has taken out money from the income of the Hotel Amardeep and utilized the same for meeting his personal obligations and there is material to indicate that the Davinder Kaur was sought to be divested of all the immovable properties and they were tried to be settled upon the first wife and daughter of the Respondent herein. Based on these findings the Appellate Court dismissed the Appeal.

22. In the challenge before the Hon'ble Apex Court, by order of 10th May, 2019, the Hon'ble Apex Court had directed the Respondent to file the Income Tax Returns of the Hotel for last three years and documentary evidence to show that he has been running the hotel for last 20 years. Though status quo was granted, the same was subject to payment of Rs 7,00,000/ per month to Davinder Kaur. The order was passed on 10th May, 2019 and Davinder Kaur expired on 19th June, 2019. Subsequently, the Hon'ble Apex Court dismissed the Special Leave Petition as infructuous.

23. In an application under Section 247 of Succession Act, there is two pronged inquiry to be conducted: (i) the necessity of appointment of administrator and (ii) the person who is fit to be appointed as administrator. There is a judicial finding of the Learned Single Judge and Appellate Court of waste and misappropriation of the income from the estate of the deceased. The order of the Hon'ble Apex Court dismissing the Petition as abated has not disturbed the findings of waste and misappropriation of income from the property at the hands of the Respondent. The death of Davinder Kaur results in rendering infructuous her appointment as administrator which does not impact the judicial findings on the necessity of appointment of administrator. The other change that

takes place by reason of death of Davinder Kaur is that the bequest in the Will propounded by Respondent would give right to the Respondent to deal with the estate. However, the genuineness and authenticity of the Wills can be decided only after recording evidence at the stage of trial.

24. In view of the earlier findings on necessity of appointment of administrator, the inquiry in this application would actually be confined only to the aspect of appointing a fit person as administrator in place of Davinder Kaur. This Court has however gone a step ahead and considered whether there is continued necessity for appointment of administrator.

25. There is additional material which is brought on record by the Applicant to demonstrate the continued danger and mismanagement of the estate of the deceased. The Respondent though bound to hand over the assets of the deceased to Davinder Kaur has not done so under the cover of the status quo order passed by the Hon'ble Apex Court in the Special Leave Petition on 10th May, 2019. The order of status quo was subject to the payment of Rs 7,00,000/ per month to Davinder Kaur. The order was passed on 10th May, 2019 and Davinder Kaur expired on 19th June, 2019. The

demand draft appended to the reply Affidavit is dated 7th June, 2019. However there is no material on record to show that the demand draft was handed over to Davinder Kaur. As the payment was directed by reason of a judicial order, the normal course would be to send the same under a covering letter and receive acknowledgment. Mere annexing of demand draft does not show compliance of order of Hon'ble Apex Court as there is nothing produced to show that the demand draft was forwarded to Davinder Kaur.

26. Now coming to the acts of the Respondent in dealing with the estate of the deceased Amardeep. The address of Hotel Amardeep is 12A Evergreen Building 1st Floor. There is a partnership deed dated 18th November, 2015 executed between the Respondent and one Mridul Singhvi in respect of a shed admeasuring about 2000 square feet owned by Hotel Amardeep behind 12A Evergreen Building agreeing to carry on business under the name and style of M/s 99 Hospitality and having equal share in the profits. This agreement was executed during the lifetime of deceased Amardeep. However, there is no consent demonstrated by the deceased agreeing to the business of separate partnership firm being conducted by the Respondent from the premises of Hotel

Amardeep. The Additional Affidavit filed by the Applicant pleads that in the year 2007, the deceased Amardeep had suffered a paralytic stroke and by the year 2011, he was bed ridden. There is no denial to the said pleading by the Respondent. It appears that the Respondent started dealing with the estate of the deceased taking advantage of the physical disability of the deceased. The business of partnership was being carried out from the shed behind Evergreen building and there is specific plea in the Additional Affidavit that the Respondent had constructed the shed unauthorisedly in respect of which Suit No 1134 of 2013 is pending. Considering that since the year 2011, the deceased Amardeep was bed ridden, the construction of the unauthorised shed must be at the instance of the Respondent. The unauthorised shed has not only resulted in litigation but has also resulted in penalty being imposed as part of property tax.

27. The health license of Hotel Amardeep has been transferred in the name of the Respondent's daughter. An Affidavit cum No Objection dated 28th June, 2023 was executed by the Respondent in support of transfer of health license in name of his daughter stating that due to the Respondent's indifferent health and personal difficulties, the Respondent is unable to look after the affairs of the

said restaurant due to which the restaurant is given to his daughter as proprietor /licensee of M/s 99 Hospitality. There is, therefore, a statement of oath by the Respondent that he is not in a position to look after affairs of Hotel Amardeep restaurant.

28. There is an application by the Respondent's daughter on record seeking liquor license on behalf of M/s 99 Hospitality giving its address at 12 A Evergreen Building, Khar, which is the property of Hotel Amardeep. The report of Excise Department records that the Respondent's daughter has submitted health department license and license from Maharashtra Shops and Establishment regarding the establishment of M/s 99 Hospitality at 12 A Evergreen Building, Khar. The report states that the premises i.e. 12A Evergreen building was rented out by the Respondent to M/s 99 Hospitality for 55 months i.e. from 25th June, 2023 to 24th December, 2027.

29. There is a conducting agreement dated 14th October, 2021 entered into by M/s 99 Hospitality with Rohra Hospitality LLP by which it was agreed that the business of the restaurant, lounge and bar shall be conducted by the conductor for a period of 5 years on payment of conducting fee.

30. The Interim Application No 6707 of 2025 sets out the demand notice dated 24th October, 2024 issued by the Municipal Corporation for outstanding property taxes of Rs 86,83,158/- for the period from 1st April, 2012 to 31st March, 2023. The contents of the demand notice makes it clear that the Respondent has defaulted in payment of property taxes since the year 2012. Though it is stated that the demand notice has been challenged, what assumes significance is that there is default in payment of property taxes in respect of estate of deceased which results in a threat of public auctioning of the property.

31. During the hearing of these proceedings, upon query by this Court as regards the accounts of the hotel business, Mr. Kedia had sought time to provide the audited balance sheets, books of accounts, ledger account books and guest register of last seven years. The Respondent has produced on record the returns for the years 2023-2024, 2024-2025, 2025-2026 without producing the supporting books of accounts, guest registers etc. The returns shows income of approximately Rs 1,00,000/- per month.

32. It is the contention of Respondent that post Covid 19 pandemic, the hotel business has suffered resulting in low profits

only sufficient for upkeep of the hotel. The conducting agreement with M/s Rohra Hospitality LLP which is of the year 2021 shows that the conducting fee agreed was minimum guarantee amount of Rs 1,50,000/- per month or 15% of the net sales, whichever is higher. This shows that the parties estimated the minimum assured revenue of Rs 1,50,000/-, in the year 2021 during covid pandemic, which must necessarily been arrived at by factoring the past business revenue. This conducting agreement is only in respect of the shed without including business of Hotel Amardeep and the revenue generated from Hotel Amardeep would be in addition to the income from the shed. The order of Appellate Court records that the monthly maintenance of Rs 7,00,000/- was being paid out of the hotel income. The hotel is located strategically near the western suburb railway station and it is difficult to accept that the hotel which was earning more than Rs 7,00,000/- per month would now earn only Rs 1,00,000/- per month. The material on record demonstrates the falsity in the claim of the Respondent that the hotel business has suffered a set back post Covid pandemic and would substantiate the claim of the Applicant that the Respondent has been siphoning off the funds from the hotel business. The income tax returns produced cannot be believed in view of the material on record.

33. The inquiry which was conducted in the earlier round of litigation initiated by Davinder Kaur had culminated into a judicial finding of necessity of appointment of administrator. The subsequent developments substantiated by adequate material on record would indicate that the Respondent has thereafter attempted to hand over the hotel and the hotel business to the proprietorship/partnership firm of his daughter and has ensured transfer of health license in her name. The restaurant business conducted from the premises of Hotel Amardeep was shared with Mridul Singhvi by entering into partnership business and was thereafter sought to be given to Rohra Hospitality LLP. All these endeavours have run into rough weather with civil and criminal proceedings initiated by third parties claiming rights in the property of the deceased. In addition there is default in payment of property taxes.

34. In its affidavit-in-reply, the Respondent has suppressed the fact of transfer of the health license in favour of the Respondent's daughter or the execution of the conducting agreement in favour of the third party. The only objection which has been raised in the affidavit-in-reply is of the competence of the Applicant to run the business of Hotel Amardeep as the Applicant has given her own

Hotel Chena Garden on rent to third party.

35. The acts by the Respondent in entering into partnership deed with third party in respect of the business being conducted from the premises of Hotel Amardeep, transferring the health license in favour of his daughter, entering into conducting agreement with third parties resulting in landing the estate into litigation and the mounting arrears demonstrates a danger to the estate of the deceased and creates a reasonable apprehension of the estate being dissipated. As discussed above, the income tax returns does not reflect the actual income, which shows that the Respondent is siphoning off the income received from the hotel business. The Respondent has filed his Affidavit with the Corporation stating that he is unable to look after the affairs of the restaurant and he has given the restaurant to his daughter who is proprietor of M/s 99 Hospitality.

36. The intent of Section 247 of Succession Act is preservation of the estate of the testator and effective management till the determination of the dispute. The Applicant has demonstrated the continued necessity of appointment of administrator *pendente lite* to protect the estate of the deceased for purpose of devolution on

the persons who are ultimately found entitled to succeed to the same.

37. The next question is as to the fit person who can be appointed as administrator. The Applicant seeks her appointment as administrator and the Respondent contends that the Applicant has herself rented out her hotel business to third party. A similar contention was raised in the application of Davinder Kaur that she was inexperienced which was negated in earlier round of litigation. The Respondent in his Affidavit to Corporation has pleaded his inability to run the business. The renting of the hotel by the Applicant cannot be construed to mean that the Applicant will be unable to run Hotel Amardeep with the assistance of experienced personnel.

38. In light of the above discussion, the Applicant has made out a case for her appointment as administrator *pendente lite* in respect of estate of the deceased Amardeep with all rights and powers of a general administrator including the control of the hotel business run in the name of Amardeep Lodging Boarding and Restaurant and Bar subject to control of the Court. In the application, the alternate prayer of the Applicant was for direction to the Respondent to pay

fixed amount of Rs 7,00,000/- to the Applicant considering the substantial income from the hotel business.

39. As the contention is of cash revenue being generated, in my view, it is imperative for an impartial person to be appointed as joint administrator. It will be appropriate if the Court Receiver is appointed as joint Administrator *pendente lite* in respect of the property and business of Hotel Amardeep. Considering the alternate prayer of the Applicant, the administrators upon taking charge of the assets of the deceased including Hotel Amardeep is directed to deposit Rs 7,00,000/ per month in this Court, which is to be invested in fixed deposit in any nationalised bank for the benefit of the person who would be entitled to succeed to the estate.

40. Resultantly, the following order is passed:

(a) The Applicant and the Court Receiver are appointed as joint administrators in respect of the property and estate of the deceased.

(b) The Respondent is directed to hand over custody of all assets of the deceased Amardeep in possession of the Respondent including the property on which the hotel business is carried out in name of Amardeep Lodging

Boarding and Restaurant and Board alongwith all documents pertaining to the assets of the deceased to the administrators within period of four weeks from date of this order.

(c) The administrators would be entitled to conduct the business of hotel and restaurant with the assistance of appropriate personnel including a manager.

(d) The administrators shall maintain accounts in respect of the business of Hotel Amardeep and the restaurant and shall file six monthly accounts in this Court. The Respondent is permitted to obtain copies of such reports upon payment of requisite charges.

(e) The administrators shall open a bank account in name of "Administrator-estate of Amardeep Singh Sujan Singh Chadha" in any nationalised bank and operate the account in name of the estate of the deceased.

(f) The administrators to deposit Rs 7,00,000/ per month in this Court, which is to be invested in fixed deposit in any nationalised bank for the benefit of the person who would be entitled to succeed to the estate.

(g) The costs charges and expenses of the Court Receiver to be deferred from the income from the business of Hotel

Amardeep after obtaining approval of the Court.

(h) Liberty to the Respondent to seek modification or recall of the appointment of Applicant as administrator in event the condition of deposit of Rs 7,00,000/ per month is not complied with.

41. Miscellaneous Petition and Interim Application is allowed in the above terms.

(SHARMILA U. DESHMUKH, J.)

This is corrected order as per speaking to the minutes order dated 16th January, 2026. 2026.