

Kunal Bagchi and ors. Vs. State

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Court : Delhi

Decided On : Jul-30-2014

Judge : Manmohan Singh

Appellant : Kunal Bagchi and ors.

Respondent : State

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI % Order delivered on: July 30, 2014 + TEST CAS692013 Kunal Bagchi & Ors. Through ...Petitioners Mr.Gurmehar Sistani and Ms.Nayamat Sistani, Advs. Versus State ThroughRespondent Ms.Gursharan Singh, Adv. CORAM: HON'BLE MR.JUSTICE MANMOHAN SINGH MANMOHAN SINGH, J.

1. The petitioners have preferred the present petition under Section 372 of the Indian Succession Act (hereinafter referred to as the Act) for grant of succession certificate of the assets Late Mrs. Anila Bagchi (hereinafter referred to as the deceased) who died on 14th March, 2011 at New Delhi.

2. Petitioners are the children of the deceased. Petitioner No.1 is the son of the deceased with whom the deceased was stated to be living at the time of her death. Petitioner No.2 and 3 are daughters of the deceased and are living in USA and Oman, respectively. Both of daughters individually have authorized petitioner No.1 to institute the present petition on their behalf. The deceased was predeceased by

her husband Dr. Kalyan Bagchi on 10th January, 2011.

3. It is the case of the petitioners that the deceased died intestate without leaving behind any WILL. The petitioners are the only children and legal heirs of the deceased, therefore, entitled to succession certificate in respect of the estate of the deceased. It has been stated that the amount of assets which are likely to come to petitioners hands and of which the succession certificate is sought, is stated in terms of Schedule I, annexed with the petition.

4. Notice of the petition was issued to the State and also through publication in The Statesman (Delhi edition). Subsequently, the valuation report by the Sub-Divisional Magistrate was called for.

5. When the matter is listed before Court today, the learned counsel for the petitioner has submitted that there is no need of a valuation report in the present matter as the properties mentioned in Schedule I annexed to the plaint are bank deposits and fixed deposits i.e. merely movable properties as detailed therein. The petitioners do not claim any relief with regard to immovable properties of the deceased. In the present matter, the grant of succession certificate is in respect of movable properties only i.e. bank deposits and other deposits, so valuation report is not required. There is no serious objection on behalf of the side of the respondent.

6. Having considered the facts of the case as well as the fact that no objection has been filed by any person in response to the publication of the citation, the present petition is allowed. The succession certificate is granted in respect of the properties of the deceased as detailed in Schedule I filed along with the petition.

7. The succession certificate is granted upon the petitioners filing the requisite court fee if required as per law.

8. The petition stands disposed of. (MANMOHAN SINGH) JUDGE JULY30 2014

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