

Virender Singh vs.state & Ors

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Court : Delhi

Decided On : Dec-22-2017

Appellant : Virender Singh

Respondent : State & Ors

Advocate for Pet/Ap. : Mr. Mohan Kukreja

Judgement :

\$~ * + % IN THE HIGH COURT OF DELHI AT NEW DELHI TEST.CAS. 01/2015
VIRENDER SINGH

... Petitioner

Through: Mr. Mohan Kukreja, Advocate. versus STATE & ORS Through: None.

.....

... RESPONDENTS

Date of Decision :

22. d December, 2017 CORAM: HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J: (Oral) 1. Present petition has been filed for grant of Letters of Administration under Section 278 of the Indian Succession Act, 1925 with respect to the estate of deceased Sh. Surender Singh and Late Smt. Soni Rawat.

2. It is stated that Late Shri Surender Singh and Late Smt. Soni Rawat, were brother and sister-in-law of the petitioner, who expired on 16th/17th June, 2013 in the Kedarnath Temple disaster, Uttarakhand, leaving behind the following heirs: a. Virender Singh (brother of Late Sh. Surender Singh and brother-in-law of Late Smt. Soni Rawat) b. Goving Singh Rawat (Father of Late Sh. Surender Singh) c. Durga Rawat (Mother of Late Sh. Surender Singh) d. Sushila Rauthan (Sister of Late Sh. Surender Singh) TEST.CAS. 01/2015 Page 1 of 5 e. Anita Negi (Sister of Late Sh. Surender Singh) f. Ajit Pal Singh (Brother of Late Smt. Soni Rawat) g. Nitu Singh (Sister of Late Smt. Soni Rawat) 3. It is stated in the petition that the abovementioned persons are the only surviving heirs of the deceased and have all interests and rights in the estate of the deceased. It is averred in the petition that during their lifetimes, the deceased were originally residing in Quarter No.23, Sector-9, R.K. Puram, New Delhi - 110022 with their children namely Ms. Pooja Rawat, Miss Divya Rawat and Master Jayaditya Rawat, who also expired in the Kedarnath Temple disaster, Uttarakhand. In the petition, the deceased are stated to be owners of the following immovable properties: a. Free-hold DDA built up S.F.S. CAT - II Flat No.21, Duplex Ground and First Floors with Scooter Garage, Pocket - 1, Sector -1, Dwarka Residential Scheme, Dwarka New Delhi. b. Apartment No.B-707, Tower B, MGI Gharaunda, Raj Nagar Extension, Ghaziabad, UP. c. Unit No.B-501, Fifth Floor, Ekdant FNG, HRA-12B, Surajpur Site C, Greater Noida.

4. It is stated in the petition that after the death of Late Shri Surender Singh and Late Smt. Soni Rawat, the petitioner filed a civil suit praying for Succession Certificate in relation to the movable properties, deposits, accounts etc. of the said Late Sh. Surender Singh and Late Smt. Soni Rawat.

5. Notice was issued on the present petition on 5th January, 2015. Vide order dated 19th April, 2016 citation has been published in the newspaper Statesman English Edition and Jansatta Hindi Edition. No objections have been received after publication of the citation. Notices were duly TEST.CAS. 01/2015 Page 2 of 5 served on the State and the other respondents. Valuation report has been filed by the state.

6. Vide order dated 5th January, 2015 Respondent No.2, Govind Singh Rawat, (father of the petitioner) who expired subsequent to the filing of the present petition was deleted from the array of parties.

... RESPONDENTS

No.2 to 6,

... RESPONDENTS

No.8 and 9, and Respondent No.7 were also deleted from the memo of parties vide orders dated 9th April, 2015, 18th November, 2015 and 29th February, 2016 respectively, on the ground that they are not necessary parties.

7.

... RESPONDENTS

No.2 to 6, of the Amended Memo of Parties have filed their reply-No Objection supported by affidavits.

8. Mr. Virender Singh, brother of Late Sh. Surender Singh and brother- in-law of Late Smt. Soni Rawat has filed his affidavit by way of evidence. The said affidavit has been exhibited as Ex. PW1/X. The petitioner has proved the following documents:-

"a. The death certificates of the deceased, Late Shri Surender Singh and Late Smt. Soni Rawat, Ms. Pooja Rawat, Ms. Divya Rawat and Mr. Jayaditya Rawat as Ex. PW

to Ex. PW1/5. b. ID Proof of Late Shri Surender Singh and Late Smt. Soni Rawat as Ex. PW

and Ex.PW1/7. c. Ration card of Late Shri. Surender Singh as Ex. PW1/8. d. List of Missing Persons issued by the designated officer at Dehradun, Uttarakhand as Ex. PW1/9. e. List of Missing Persons of District Tehri Garhwal as Ex. PW1/10. f. ID proof of the petitioner as Ex.PW1/11. TEST.CAS. 01/2015 Page 3 of 5 g. List of relations of Late Shri Surender Singh and Late Smt. Soni Rawat as Ex. PW1/12. h. Sale deed of Free-hold DDA built up S.F.S. CAT - II Flat No.21, Duplex Ground and First Floors with Scooter Garage, Pocket - 1, Sector -1, Dwarka Residential

Scheme, Dwarka New Delhi in the name of Late Smt. Soni Rawat as Ex. PW1/14
i. Apartment Buyers Agreement and other documents of Apartment No.B-707, Tower B, MGI Gharaunda, Raj Nagar Extension, Ghaziabad, UP in the name of Late Shri Surender Singh and Late Smt. Soni Rawat as EX. PW1/15(Colly). j. Property Documents of Unit No.B-501, Fifth Floor, Ekdant FNG, HRA-12B, Surajpur Site C, Greater Noida in the name of Late Smt. Soni Rawat as Ex. PW1/16(Colly).

9. Today learned counsel for the petitioner states that the Court of ACJ- ARC-CCJ, Patiala House Courts New Delhi has granted succession certificate in respect of debts and securities of late Sh.Surender Singh and Smt.Soni Rawat vide order dated 07th April, 2015 in SC No.83/14. He has handed over photocopies of judgment and order dated 07th April, 2015 as well as succession certificate dated 04th June, 2015 issued by the Court of ACJ- ARC-CCJ, Patiala House Courts New Delhi. The same are taken on record.

10. In view of the aforementioned facts and evidence, the present petition is allowed and the Letters of Administration is issued in favour of the petitioner enabling him to administer the estate of deceased Shri Surender Singh and Late Smt. Soni Rawat, subject to the petitioner filing the requisite TEST.CAS. 01/2015 Page 4 of 5 Court fee in terms of the valuation reports and submitting an administrative bond with one surety in accordance with law. List before Joint Registrar on 23rd January, 2018 for determination of Court fees to be paid. DECEMBER22 2017 KA MANMOHAN, J TEST.CAS. 01/2015 Page 5 of 5

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