

**Shiv Kumar Vs. the State and ors.**

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**Court :** Delhi

**Decided On :** Apr-01-1992

**Reported in :** 47(1992)DLT487; 1992(22)DRJ546

**Judge :** Usha Mehra, J.

**Appeal No. :** Probate Case No. 13 of 1991

**Appellant :** Shiv Kumar

**Respondent :** The State and ors.

**Advocate for Pet/Ap. :** A.B. Dayal, Adv

**Judgement :**

**Usha Mehra, J.**

(1) Shri Shiv Kumar & Ors. have sought for letter of administration in respect of the estate of late Shri Shyam Lal. Shri Shyam Lal was an ordinary resident of Delhi. He died on 28th November, 1970 at Delhi. He left behind three sons namely Shiv Kumar, Mahesh Kumar and Ajay Kumar, petitioners No. 1,2 and 3 and the two daughters namely Smt. Veena and Smt. Vimla Devi, relations No.4 and 5. The deceased Shyam Lal had not left any Will. Before his death he had applied to M/s. Urban Improvement Company Private Limited for a plot of land in Faridabad on Installment basis. A plot measuring 267 sq. yds. bearing No.273, block No.K in

Greenfield Residential Colony, Anangpur Road, Faridabad (Haryana) was allotted to the deceased Shyam Lal. The amount paid by the deceased till his death was to the tune of Rs.23,923.00 . The legal heirs No.4 and 5 i.e. the daughters Smt. Veena and Smt. Vimla are not interested to get anything out of the estate left by the deceased.

(2) Notice was issued to the Collector and to the relation of the deceased. Citation was also ordered to be issued in the newspaper 'National Herald'. On behalf of the legal heirs No.4 and 5 i.e. Smt. Veena and Smt. Vimla one Shri D.B.S. Guptra, advocate appeared. The said legal heirs did not file any objections for the grant of the letter of administration in favor of the petitioners. The citation was also issued and the Collector was duly served.

(3) To prove their case, one of the petitioner Shri Shiv Kumar, appeared as Public Witness I and testified that his father Shri Shyam Lal was having a fixed place of abode at Delhi. He was ordinarily a resident of Delhi. He died at Delhi on 28th November, 1990 and proved the his death certificate as Ex.P.1. He further testified that his father never executed any 'will' during his life time and beside the three petitioners, he also left Smt. Veena and Smt. Vimla as his legal heirs. His mother and grand mother pre deceased his father and that except the petitioners and legal representatives No.4 and 5 his father did not leave any other legal heir. He .also testified that his lather was allotted a plot by M/s. Urban Improvement Co. Pvt. Ltd. which is situated in Greenfield Residential Colony, Faridabad.

(4) From the uncontroverter and unrebutted testimony of Shri Shiv Kurnar, it is amply proved on record that Shri Shyam Lal left only 5 legal heirs i.e. three sons and two daughters. All the three sons have jointed as petitioners. Sofaras daughters-legal heirs No.4 and 5, are concerned, they have already given no objection for the grant of letter of administration in favor of their brothers.

(5) In view of this testimony of the petitioner, I see no reason why the letter of administration with regard to the plot allotted in the name of deceased Shyam Lal by M/s. Urban Improvement Co. Pvt. Ltd. in Greenfield Residential Colony, Anangpur Road, Faridabad (Haryana), be not granted. It is also proved on record that the deceased did not leave any will.

(6) I accordingly order that the letter of administration be issued on petitioner's furnishing the bond with one surety in the like amount and subject to complying the formalities required under the law.

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