

Devinder Singh Vs. State

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SooperKanoon Citation : sooperkanoon.com/702362

Court : Delhi

Decided On : Dec-15-1997

Reported in : 72(1998)DLT385; 1998(45)DRJ20

Judge : Vijender Jain, J.

Acts : [Succession Act, 1925](#) - Sections 278

Appeal No. : Probate Case No. 11 of 1996

Appellant : Devinder Singh

Respondent : State

Advocate for Pet/Ap. : A.S.Gambhir, Adv

Judgement :

Vijender Jain, J.

(1) The present petition is filed under Section 278 of the Indian Succession Act seeking Letters of Administration in respect of the Estate both moveable and immoveable properties at Delhi and in Amritsar (Punjab) left by deceased Shri Inder Singh. Shri Inder Singh died intestate on 28th October, 1995 at Amritsar (Punjab). The Death Certificate is annexed as 'Annexure P-1' to the petition.

(2) It is stated in the petition that the petitioner was the only brother of deceased Shri Inder Singh and being the only Class-II heir and bona fide beneficiary he is entitled to the Estate of deceased Shri Inder Singh.

(3) Notice of the petition was issued to the Chief Revenging Controlling Authority and Citation was also ordered to be issued in the daily 'The Statesman' and 'Punjab Kesri'. The necessary Citation has been placed on the record and the same form part of the present proceedings. The report of the Chief Revenging Controlling Authority has been received. No objection for grant of Letters of Administration in favor of the petitioner has been filed.

(4) During the pendency of the present petition, petitioner, Shri Devinder Singh, died. An application under Order 22 Rule 3 read with Section 151 of the Code of Civil Procedure was filed for imploding/substituting Mr.Surender Hora, son of late Shri Devinder Singh, petitioner herein, was filed. The deceased petitioner left behind the legal heirs as mentioned in this application (IA 5579/1997). Legal heirs of deceased petitioner made statement on 19th August, 1997 that they have no objection if Mr.Surender Hora is brought on record as Legal Representative of deceased petitioner. In view of the statement of legal heirs of deceased petitioner, application was allowed and Mr.Surender Hora, son of the deceased petitioner, was brought on record as his legal representative vide order dated 19.8.1997. Even no objection for grant of Letters of Administration in favor of son of deceased petitioner has been filed.

(5) In view of the above, Mr.Surender Hora, son of the petitioner, reiterated that he is entitled to the Letters of Administration.

(6) The present petition is, accordingly, allowed. Letters of administration are granted in favor of Mr.Surender Hora being the legal representative of deceased petitioner in respect of Estate as per Schedule 'A' to this petition left behind by late Mr.Inder Singh. Petition stands disposed of.