

Anya Gupta Vs. the State and Another

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Court : Delhi

Decided On : Feb-23-2012

Judge : A.K. Pathak

Appeal No. : TEST.CAS. 20 of 2010

Appellant : Anya Gupta

Respondent : The State and Another

Judgement :

A.K. PATHAK, J.

(ORAL)

1. Petitioner has filed this petition under Section 278 of the Indian Succession Act, 1925 (for short hereinafter referred to as “the Act”) in respect of the estate of Late Shri Abhik Gupta

(hereinafter referred to as “deceased”).

2. Petitioner is the daughter of the deceased; whereas respondent no. 2 is her brother.

3. As per the petition, the deceased died intestate, on 25th May, 2009 at New Delhi. He has left behind the petitioner and respondent no. 2 as his only Class-I

heirs. It is stated that mother of the petitioner and respondent no. 2, had taken divorce from the deceased in the year 1995. Even prior thereto she had permanently shifted to United States of America (U.S.A.) in the year 1993, inasmuch as, she is not the Class-I heir of the deceased. However, by way of abundant caution, petitioner had obtained a “No Objection Certificate” from her mother Mrs. Meena Tharmaratnam.

4. Mother of the deceased had predeceased him on 24th May, 2008. Deceased had left behind the properties as detailed in the petition as also Annexure A to the petition, which are as follows:-

- (i) Ground Floor of house no. D-14, Nizammuddin East, New Delhi - 110013;
- (ii) Plot No. G-39, Phase - II, Killa No. 48/14, Village and Tehsil Chauma, Gurgaon and
- (iii) Land comprised in Khatta No. 48, 130, 150, 151, 172 and 202, Village Jangaliya, Tehsil and District Nainital, Uttrakhand.

5. Citation has been published in the newspaper “The Statesman” dated 30th July, 2010. However, no public person has filed any objection opposing the grant of “Letters of Administration” to the petitioner.

6. Respondent no. 1 has been duly served. Valuation reports in respect of the Nainital property and Delhi property have been received, however, no report has been received in respect of Gurgaon property.

7. Respondent no. 2 has filed reply to the petition. He has not opposed the grant of “Letters of Administration” to the petitioner. Respondent no. 2, who is present in the Court today, has reiterated that he has no objection in case petition is allowed. Mother of the petitioner and respondent No.2, who in any case is not a Class - I heir of the deceased, has also supported the petitioner.

8. Petitioner has filed her affidavit in evidence. She has reiterated the averments made in the petition. She has proved the “Death Certificate” of the deceased as Ex. PW1/2, “No Objection Letter” written by her mother has been proved as Ex.

PW1/3, "Death Certificate" of mother of deceased has been proved as Ex. PW1/4. In her affidavit, petitioner has deposed that she has applied for grant of "Letters of Administration" in respect of estate of the deceased. She has further deposed that all the properties and assets of her deceased father are likely to devolve on her and respondent no.2.

9. From the evidence led by the petitioner and in view of the "No Objection" given by respondent no. 2, I do not find any impediment in grant of "Letters of Administration" to the petitioner. Accordingly, "Letters of Administration" are granted to the petitioner in respect of the estate of deceased, subject to payment of requisite court fee, valuation of the Gurgaon property and furnishing of administrative bond with one surety by the petitioner, to the satisfaction of the Registrar General.

10. Petition is disposed of in the above terms.