

**IN THE COURT OF SH. SUMIT DASS, ADDITIONAL DISTRICT JUDGE -
01, PATIALA HOUSE COURTS, NEW DELHI DISTRICT, NEW DELHI**

PC No. 75/16

Sh. Krishnamani Kasinathan

S/o Late (Sh.) E. Kasinathan
R/o A-905, Pearl Condo,
Kabar Aye Pagoda Road,
Bahan Township, Yangon,
Mayanmar

Also at :

D-5/B, DDA Flats,
Munirka, New Delhi – 110 067

..... Petitioner

Versus

State Government of NCT of Delhi

Through Secretary
New Delhi.

..... Respondent

Petition presented On : 27.07.2016

Judgment Pronounced On : 09.01.2019

J U D G M E N T

1. The petitioner has filed the present petition u/s 278 of Indian Succession Act, 1925 for grant of letter of administration.

2. Facts as narrated in petition are that Late (Sh) E. Kasinathan who died intestate on 18.12.2015 at his residence D-5/B, DDA Flats, Munirka, New Delhi. The deceased was survived by his only son i.e. the petitioner and the wife of the deceased Smt. Radha Kasinathan had pre-deceased him on 01.11.2015. The deceased at the time of the death last resided at D-5/B, DDA Flats, Munirka, New Delhi.

2.1 It is submitted that the said property was owned and occupied by Late (Sh) Ramnad V. Easwaran grandfather of the petitioner which was allotted to him by DDA vide allotment letter bearing no. F-37 (214) 75 HBA dated 11.03.1977. On demise of the grandfather of the petitioner the said property was transferred in the name of Late (Smt) Laxmi Easwaran, grandmother of petitioner vide letter dated 24.09.1998. Thereafter, the property was got converted into free hold vide Conveyance Deed dated 08.06.2000 duly registered as Document no. 8180 in Addl. Book No. I, Volume no. 278 on pages 61 and 62 on 08.06.2000 with the office of Sub-Registrar, Delhi.

2.2. On demise of Smt Laxmi Easwaran on 29.07.2006 all her legal heirs relinquished their respective shares in the aforesaid property in favour of father of petitioner vide Relinquishment Deed dated 18.12.2009 duly registered as Document no. 10749 in Addl. Book No. I, Volume No. 5073 on pages 100-103 on 18.12.2009 with the office of Sub-Registrar-IX, New Delhi. Thereafter the aforesaid property was mutated in the name of the deceased in the revenue record vide mutation certificate issued by the Municipal Corporation of Delhi bearing no. A&C/W-1/RKP/South/E/1949 dated 13.03.2010.

2.3 It is further submitted that after the death of his father no Will was found till date. The petitioner being the sole surviving legal heir of the deceased is therefore entitled to obtain letter of administration. Hence the present petition.

3. Notice of the petition was issued to the State / respondent. The citation of the petition was published in the newspaper "The Statesman" dated 03.09.2016. Despite service of notice upon state and publication of

citation in newspaper no one on behalf of State or on behalf of general public appeared.

3.1 In support of his case petitioner himself stepped in the witness box and proved original death certificate of Late (Sh) E. Kasinathan Ex. PW1/1, original death certificate of Late (Smt) Radha Kasinathan Ex. PW1/2, photocopy of passport of petitioner Ex. PW1/3, copy of allotment letter bearing no. F-37(214) 75-HBA dated 11.03.1977 as Ex. PW1/4, copy of letter dated 24.09.1998 as Ex. PW1/5, copy of Conveyance Deed dated 08.06.2000 as Ex. PW1/6, copy of Relinquishment Deed dated 18.12.2009 as Ex. PW1/7 and Mutation Certificate dated 13.03.2010 as Ex. PW1/8.

4. I have heard arguments advanced by Ld counsel for petitioner and gone through the material available on record.

4.1 Section 278 of Indian Succession Act deals with the grant of letter of administration, while the effect of letter of administration has been given under section 220 of the Act as it spells that grant of letter of administration entitled the administrator to all rights belonging to intestate as effectively as if the administration has been granted after his / her death. It is also settled proposition of law that grant of letter of administration does not grant any title but is only declaration of title existent in the legal representative (s) of the deceased. In the present case, the petitioner has proved its case by producing relevant witnesses.

4.2 There is no objection preferred by the general public. As mentioned in preceding paragraphs the petitioner is the sole surviving heir of deceased Late (Sh) E Kasinathan. Considering that the petition of the petitioner has remained unrebutted, the same can be treated as non contentious one. Petitioner has also filed surviving member certificate issued

by Revenue Department, Govt of NCT of Delhi, Office of the District Magistrate, Vasant Vihar, New Delhi District. This issue is decided in favour of petitioner.

5. In view of aforesaid discussions, there is no legal impediment to allow the instant petition. The same is accordingly allowed and letter of administration be issued in favour of the petitioner to administer the deceased estate being Flat No. D-5/B, DDA Flats, Munirka, New Delhi – 110067. Letter of Administration be granted to petitioner upon filing advoluerum stamp papers and the administrative cum surety bond of like amount of valuation in respect of Flat No. D-5/B, DDA Flats, Munirka, New Delhi – 110067.

5.1 The petition is accordingly allowed and disposed off. After compliance, file be consigned to record room.

**Pronounced in open Court
on 09.01.2019**

**(Sumit Dass)
Additional District Judge-01,
NDD/PHC/New Delhi/09.01.2019**