

IN THE COURT OF THE I JUNIOR CIVIL JUDGE,
CITY CIVIL COURT, AT SECUNDERABAD

PRESENT: SMT. A.NIRMALA
I JUNIOR CIVIL JUDGE

DATED THIS THE 1st DAY OF JUNE, 2023
O.S.No.932 OF 2022

Between:

- 1.Dr.Meena Oberoi,
D/o Late Jaichand Oberoi
Aged : 60 Years, Occ : Doctor
R/o. USA, being represented by her GPA Holder the Plaintiff No.3.
- 2.Smt.Poonam Bhaskar
D/o Late Jaichand Oberoi
Aged : 57 Years, Occ : Teacher
R/o.A1/56, IIInd Floor, Freedom Fighters Enclave,
New Delhi - 110068, being represented by her GPA Holder the
Plaintiff No.3.
- 3.Smt.Anu Karnwal
D/o Late Jaichand Oberoi,
Aged : 49 Years, Occ : Housewife
R/o.Flat No.101, Block II, Forefront Royale,
Indian Airlines Colony, Begumpet, Secunderabad.

4.Smt.Shakun A.Tomar

D/o Late Jaichand Oberoi

Aged: 44 Years, Occ : Pvt Service,

R/o.T1, IIIrd Floor, Jayadeep Nangokul

Amarjyothi Layout,

4th Main Road, RMV IIInd Stage, Sanjay Nagar, Bangalore,

being Rep. by her GPA Holder the Plaintiff No.3.

....**Plaintiffs**

AND

1) The Tahsildar,
Secunderabad Mandal Office
Secunderabad.

2) All Concerned

....**Defendants**

This suit is coming on this day before me for final hearing in the presence of **Sri K.Mohan Advocate for Plaintiffs and Defendants set exparte**, and the matter having been heard and stood over for consideration till today, this Court delivered the following:-

J U D G M E N T

This suit is filed by the plaintiffs seeking the relief of declaration to declare plaintiffs Nos.1 to 4 as legal heirs of late Sri Jaichand Oberoi who died on 31.05.2020.

2. The facts set out in the plaint are:

It is submitted that Plaintiffs No.1 to 4 are the daughters of late Jaichand Oberoi who died on 31.05.2020 at Indian Airlines Colony, Secunderabad and it is submitted that the Plaintiff No.3 on behalf of all the Plaintiffs had approached the Defendant No.1, seeking a Legal Heir Certificate, but the Defendant No.1 had informed that they are not issuing a Legal Heir Certificate except for Government Servants as the Plaintiffs father was not a Government Servant, they had refused to issue a Legal Heir Certificate and it is humbly submitted that the Plaintiff No.1 is the eldest daughter, who is residing in California and she has executed a GPA in favour of the Plaintiff No.3 on 22.04.2022 authorising her to represent her in the proceedings, similarly, the Plaintiff No.2 is a resident of New Delhi and she has also executed a Power of Attorney on 25.04.2022 duly notarized and the Plaintiff No.4 is a resident of Bangalore and she has also executed a Power of Attorney on 26.04.2022. The Plaintiffs stated that they are the only legal heirs being the daughters of late Jainchand Oberoi and their mother Smt. Jaspal Oberoi had pre-deceased the Plaintiff and it is submitted that except the Plaintiffs, who are the daughters of late Jaichand Oberoi, there are no other legal heirs. The Plaintiffs stated that they are filing the Aadhar Card of Plaintiff Nos.2,3 and 4 and passport / marksheet copy of the Plaintiff No.1, which manifests that the Plaintiffs are the daughters of late Jaichand Oberoi and therefore, the Plaintiffs are

entitled for a declaration that they are the legal heirs of late Jaichand oberoi who had died on 31.05.2020 at Indian Airlines Colony, Secunderabad.

3. Summons served on defendant No.1. D1 called absent. No representation. Paper publication filed against defendant No.2. No representation. Hence, defendant Nos.1 & 2 set exparte.

4. To prove the case of plaintiffs, plaintiff No.3 got examined as PW1 and got marked Exs.A1 to A11.

5. Heard the counsel for plaintiff.

6. Now, the points for determination are:-

1. ***Whether the plaintiffs Nos.1 to 4 are entitled for declaration of legal heirs as prayed for?***
2. ***To what relief?***

7. **POINT No.1 :**

PW1 reiterated the averments of plaint in his affidavit filed in lieu of his examination in chief. Therefore, I am of the considered opinion that reproduction of the facts set out in plaint over and again would be redundant.

8. The claim of the plaintiffs is that they are the legal heirs of Late.Jaichand Oberoi and they approached Defendant No.1 for issuance of legal heir certificate for which the Defendant no.1 refused. Hence they filed the present suit for declaration of legal heirs.

9. To substantiate their claim Plaintiff No.3 who is also representative for Plaintiff No.1,2 and 4 got examined as PW1 and got exhibited A1 to A11. Ex.A1 is Death Certificate of late Jaichand Oberoi dated 27.08.2020 issued by GHMC which is well established the death of JaiChand Oberoi. Ex.A2, A4 and Ex.A7 are GPAs of Plaintiff Nos.1 and 2. Ex.A3, A9 and A10 are passports of Plaintiff No.1, 3 and 4. Ex.A5, A6 and A8 are aadhar cards of Plaintiff Nos.2, 3 and 4. The last document Ex.A11 college marks card of Plaintiff No.2 with English Translation. The above passports and aadhar cards are showing their fathers name as Jaichand Oberoi. Therefore it can be considered that Plaintiff Nos.1 to 3 are daughters of late Jaichand Oberoi.

10. The above evidence is not rebutted by defendants. Hence it remained unchallenged.

11. In the light of above said reasons and evidence and in view of foregoing discussion it can be held that Plaintiff Nos.1 to 4 are entitled for declaration of legal heirs as daughters of late Jai Chand Oberoi.

12. POINT No. 2:-

In the result, the suit is decreed without costs in favour of the Plaintiff Nos. 1 to 4 declaring them as legal heirs as daughters of late Jaichand Oberoi. Declaration is only for legal status, but not for any other purpose.

(Typed to my dictation, corrected and pronounced by me in Open Court, on this the 1st day of June, 2023.)

**I JUNIOR CIVIL JUDGE,
CITY CIVIL COURT, SECUNDERABAD.**

**APPENDIX OF EVIDENCE
WITNESSES EXAMINED**

For the Plaintiffs:

PW1/Plaintiff no.1:

Smt.Anu Karnwal

D/o.Late.Jaichand Oberoi

For the Defendants:

---None---

DOCUMENTS MARKED**For the Plaintiffs:**

- Ex.A1 : is the death certificate of Late.Jaichand Oberoi,dated.27.08.2020
- Ex.A2 : is the GPA of the Plaintiff No.1 dated.13.12.2022
- Ex.A3 : is the Passport bearing No.Q221142 of the Plaintiff No.1
- Ex.A4 : is the GPA of the Plaintiff No.2
- Ex.A5 : is the Aadhar card of Plaintiff No.2
- Ex.A6 : is the Aadhar Card of Plaintiff No.3
- Ex.A7 : is the GPA of the Plaintiff No.4
- Ex.A8 : is the Aadhar Card of the Plaintiff No.4
- Ex.A9 : is the passport bearing No.H3424880 of the Plaintiff No.3
- Ex.A10 : is the passport bearing No.E7658291 of the Plaintiff No.4
- Ex.A11 : is the College Marks Card of the Plaintiff No.2 with English Translation.

For the Defendants:

--Nil--

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CITY CIVIL COURT, SECUNDERABAD.**