

**IN THE COURT OF MS. BHAVNA KALIA
DISTRICT JUDGE-01
SOUTH-EAST DISTRICT, SAKET COURTS: NEW DELHI**

PC No:- 27-2025

Ms. Madhvi Uttam

D/o late Sh. Raj Kumar Berry

R/o 1/42, Nirmal Puri,

Lajpat Nagar-IV,

New Delhi-110024.

.....Petitioner

Versus

1. STATE OF NCT OF DELHI

Through Sub Divisional Magistrate(SDM)

South East District,

Old Gargi College Building,

Lajpat Nagar-IV,

New Delhi-110024.

2. State Bank of India,

6, Ring Road, Lajpat Nagar-IV,

New Delhi-110024.

3. Sh. Ajay Berry

s/o late Sh. Raj Kumar Berry

R/o 17, Exeter Irvine,

CA 92612, USA.

.....Respondents

Date of institution of case

: 23.05.2025

Date of Reserving Judgment

: 06.06.2026

Date of Judgment

: 08.06.2026

**Petition under Section 278 of The Indian Succession Act, 1925
for grant of Letter of Administration**

JUDGMENT

1. The present petition has been filed by the petitioner under Section 278 of The Indian Succession Act, 1925 (in short 'The

Act') for grant of Letter of Administration in respect of joint bank locker bearing no.664 (hereinafter referred to as 'the locker') of Late Sh. Raj Kumar Berry (hereinafter referred to as 'deceased') and late Smt. Asha Berry (wife of deceased) attached with the Savings Bank Account of deceased bearing no. 10617299813 at State Bank of India, 6, Ring Road, Lajpat Nagar-IV, New Delhi.

2. It is averred in the petition that deceased late Sh. Raj Kumar Berry passed away on 04.05.2021 and his wife Late Asha Berry passed away on 14.05.2021 intestate leaving joint bank locker No. 664 which was attached with account no. 10617299813, State Bank of India, 6, Ring Road, Lajpat Nagar-IV, New Delhi. It is also averred that the deceased and his wife died intestate and despite due diligence no will or any other testamentary document has been found. It is submitted that the petitioner Ms. Madhvi Uttam (daughter) and respondent no.3 Sh. Ajay (son) are the legal heirs of the deceased. It is averred that the petitioner is applying for the Letter of Administration after the death of her parents. It is further averred that the petitioner had earlier filed a Succession Case i.e. S.C. no.17/2022 titled as 'Madhvi Uttam Vs. State' before the Ld. SCJ for grant of succession certificate qua the debts and securities of her parents including relief regarding locker no.664 and the Succession Certificate was granted vide judgment dated 05.06.2023. It is therefore, prayed that the Letter of Administration be granted in favour of petitioner in respect of the aforesaid Bank Locker belonging to deceased.

3. After institution of the present petition, notice was issued to the respondents vide Order dated 23.05.2025. Citation of the notice of the petition was published in the newspapers 'Veer Arjun' and 'The Statesman'.

4. During course of the proceedings, the Court had appointed a Local Commissioner to prepare inventory of the articles lying in the Bank Locker maintained by deceased Late Sh. Raj Kumar Berry. Vide separate report, Ms. Shweta Advocate having enrollment no. 8876/2022, Ld. Local Commissioner submitted that after opening of the locker, there was no jewellery gold or silver found in the locker, as mentioned in the annexure A. The whole process was video-graphed. It is submitted by Ld. Local Commissioner in her report that all the items were assessed, checked and properly valued. A government approved Valuer (Sh. Rakesh Sonik) was also appointed by the Court to ascertain monetary value of articles lying in the said locker, who filed his report on similar lines as that of Ld. Court Commissioner.

5. Statement of Local Commissioner has also been recorded who exhibited her Report as Ex P-1.

6. The Petitioner Ms. Madhvi Uttam testifies herself as PW 1 and has relied upon the following documents:-

- a. Copy of Aadhar Card Ex.PW1/A(OSR).
- b. Certified copy of Death Certificate of late father Sh. Raj Kumar Berry Ex.PW1/B.

- c. Certified copy of Death Certificate of late mother Smt. Asha Berry Ex.PW1/C.
- d. Certified copy of Surviving Member Certificate Ex.PW1/D.
- e. Certified copy of No Objection Certificate executed by Sh. Ajay Berry exhibited as Ex.PW1/E.

8. No other witness was examined by petitioner and petitioner's evidence was thereafter, closed vide separate statement of the Petitioner dated 11.05.2026.

9. The petition remained uncontested as the respondent no. 3 Sh. Ajay Berry appeared before the Court and gave his no objection to the present petition and relied upon his affidavit Ex R2/1 which has been filed in form of no objection to the present petition. He had also brought his Driving Licence towards his identification and the same is Ex P-1 (OSR).

10. Thereafter, matter was listed for final arguments.

11. I have heard the arguments advanced by Ld. Counsel for the petitioner. It is argued by the Ld. Counsel for petitioner that wife of the deceased had also expired on 14.05.2021. The Tehsildar, Defense Colony had filed LR report submitting that were only two legal heirs i.e. petitioner, being daughter of deceased and respondent no.3, son of deceased. The Succession Certificate was granted to the petitioner vide judgment dated 05.06.2026.

12. There is nothing on record to disapprove the contentions of the petitioner. The unrebutted testimony of PW1/petitioner and statement of the respondent no.3, son of deceased proves the case of the petitioner on the scales of preponderance of probabilities. Petitioner, being one of the legal heirs of deceased and based upon no objection of respondent no.3, is entitled to administer estate of the deceased, in terms of Section 218 of the Indian Succession Act for the purpose of the present petition.

13. Hence, in view of above discussion and from the unrebutted testimony of the petitioner on record, the Letter of Administration in respect of Bank Locker no. 664 which is attached with Savings Bank Account of deceased bearing no. 10617299813 at State Bank of India, 6, Ring Road, Lajpat Nagar-IV, New Delhi maintained by deceased namely late Sh. Raj Kumar Berry and late Smt. Asha Berry (wife of deceased) is granted in favour of petitioner Ms. Madhvi Uttam, the daughter of deceased, on filing of advalorem Court fee and on furnishing the administrative bond and surety bond of equal value on the basis of valuation of bank locker already on record.

It is further clarified that the question of right, title, interest, ownership and share pertaining to the aforesaid locker is not adjudicated upon in any manner by this court. It is further clarified that this judgment above will not confer any right upon the petitioner unless the formal certificate of Letter of

Administration is issued after completing the necessary formalities.

10. File be consigned to record room after due compliance.

**Announced in the open
Court on 08.06.2026**

**(BHAVNA KALIA)
District Judge 01(SE),
Saket Courts, New Delhi.**