

In the Court of Sh. Deepanker Mohan
District Judge-04, Shahdara District,
Karkardooma Courts, Delhi

PC No.1/2025

In the matter of :-

1. BABY KRITIKA LUMB (Minor)
D/o Late Shri. Puneet Lumb & Smt. Deepika Lumb
To be represented through Smt. Deepika Lumb
Being the mother/natural guardian of petitioners
H.No.26/52, Street No.11, Vishwas Nagar, Shahdara,
Delhi-110032.

2. BABY GARGI LUMB (Minor)
D/o Late Shri. Puneet Lumb & Smt. Deepika Lumb
To be represented through Smt. Deepika Lumb
Being the mother/natural guardian of petitioners
H.No.26/52, Street No.11, Vishwas Nagar, Shahdara,
Delhi-110032. Petitioners

Versus

1. NCT STATE OF DELHI
SDM Office
Sadar Tehsil, Nand Nagri,
Delhi.

2. SMT. BHARTI KOHLI
D/o Late Mr. Ramesh Chand
W/o Shri Prashant Kohli
106, Gali No.8, East Azad Nagar,
Krishna Nagar, Delhi-110051.

3. SMT. INDU BAJAJ
D/o Late Mr. Ramesh Chand
W/o Gaurav Bajaj
X/988, Gali No.4, Chand Mohalla,
Gandhi Nagar, East Delhi-110031 Respondents

1. PC No. : 4/2025

2. CNR No. : DLSH01-007975-2024
3. Under Section : Under Section 278 of The Indian Succession Act, 1925 and r/w Section 8 of Hindu Minority and Guardianship Act, 1956 for grant of Letter of Administration in respect of the estate of deceased Sh. Ramesh Chand situated at H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032.
4. Date of Institution : 24/12/2024 (e-filed on 23/12/2024)
5. Reserved for Judgment : 12/06/2026
6. Judgment : 22/07/2026

JUDGMENT

1. Vide this judgment, this Court shall dispose of the petition U/s 278 of The Indian Succession Act, 1925 and r/w Section 8 of Hindu Minority and Guardianship Act, 1956 for grant of Letter of Administration in respect of the estate of deceased Sh. Ramesh Chand situated at H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032 filed by petitioners against respondents on 24/12/2024.

2. An application under Order VI Rule 17 r/w Section 151 CPC for amendment was filed and the same was allowed vide order dated 20.04.2026.

AVERMENTS OF PETITION

3. During the lifetime of Sh. Ram Prakash, he had executed a Will dated 05.05.1998 in respect to the property bearing H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032 in favour of his sons namely Sh. Ramesh Chand and Sh. Kamal Kishore. Sh. Ramesh Chand and Sh. Kamal Kishore became the co-owners of 50% undivided share in the afore-said property.

4. On 21.04.2021, Sh. Ramesh Chand had died intestate leaving behind his first class legal heirs i.e. (1) Smt. Bharti Kohli (his daughter), (2) Indu Bajaj (his daughter) and (3) Sh. Puneet Lumb (his son).

5. On 02.07.2023, Sh. Puneet Lumb had expired leaving behind his first class legal heirs i.e. (1) Baby Kritika Lumb (his daughter), (2) Baby Gargi Lumb (his daughter) and (3) Deepika Lumb (his wife).

6. After the demise of Sh. Puneet Lumb, all the afore-said legal heirs are entitled to a share in his 50% share of aforesaid property. Petitioners' share is equivalent to 5.53% each.

7. After the demise of Sh. Puneet Lumb, Ms. Deepika Lumb requires funds for the education, maintenance, and overall welfare of the minor petitioners. Ms. Deepika Lumb and minor petitioners have a lawful share and interest in the estate of the deceased. At present, she is employed in a private company and is the sole earning member. Her earnings are not sufficient for the welfare of the minor petitioners. Due to financial constraints and in order to meet the genuine needs of

maintenance, upbringing, and proper education, as well as to secure the future of the minor children, petitioners through their next friend/natural guardian are required to sell their share in the subject property. It is prayed that Letter of Administration be issued in favour of Ms. Deepika Lumb qua the shares of petitioners in the subject property.

SERVICE OF SUMMONS

8. On 08.01.2025, notice of the present petition was issued upon respondents. Valuation report of the subject property and status report of LRs of late Sh. Ramesh Chand and late Sh. Puneet Lumb were also called from the SDM. Citation of the petition to be published in the newspapers “The Statesman” and “Rashtriya Sahara” and to be affixed on the notice board of the Court as well as in the office of concerned SDM were also ordered to be issued vide order dated 08.01.2025. Petitioners were also directed to directed to file valuation report.

9. Respondent No.1 to 3 were duly served on 24.02.2025, 15.02.2025, 13.02.2025 respectively. Upon receipt of notice, respondent No.2 and 3 put their appearance on 23.04.2025.

10. On 23.04.2025, valuation report was filed on behalf of petitioners. Citation of the petition was published in the newspapers “The Statesman” dated 08.03.2025 and “Rashtriya Sahara” dated 08.03.2025. Valuation report and report of LRs of Sh. Ramesh Chand were filed on behalf of concerned SDM on 11.07.2025 and 23.04.2025 respectively.

11. On 10.06.2025, affidavit-cum-no objection filed on behalf of respondent No.2 and 3. On 03.12.2025, respondent No.2 and 3 have given their statement that they have no objection, if the letter of administration be granted in respect to the subject property in favour of petitioners through their mother/natural guardian.

EVIDENCE LED BY PETITIONERS

12. Petitioners to prove their case examined one one witness i.e. (I) Smt. Deepika Lumb as PW-1.

13. PW-1/Smt. Deepika Lumb filed her evidence affidavit and tendered it as exhibited as Ex.PW1/A on 03.12.2025 and relied upon the documents i.e. (1) Ex.PW1/1(OSR)- Copy of Aadhaar Card of late Sh. Ramesh Chand, (2) Ex.PW1/2(OSR)- Copy of death certificate of late Sh. Ramesh Chand, (3) Ex.PW1/3(OSR)- Copy of sale agreement dated 05.05.1998, (4) Ex.PW1/4(OSR)- Copy of Will in favour of late Sh. Ramesh Chand, (5) Ex.PW1/5(OSR)- Copy of Surviving Member Certificate of late Sh. Ramesh Chand, (6) Ex.PW1/6(OSR)- Copy of Aadhar Card of late Sh. Puneet Lumb, (7) Ex.PW1/7(OSR)- Copy of death certificate of late Sh. Puneet Lumb, (8) Ex.PW1/8(OSR)- Copy of Surviving Member Certificate of late Sh. Puneet Lumb, (9) Ex.PW1/9(OSR)- Copy of Aadhar Card of Bharti Kohili, (10) Ex.PW1/10(OSR)- Copy of Aadhar Card of Indu Bajaj, (11) Ex.PW1/11(OSR)- Copy of Aadhar Card of Deepika Lumb, (12) Ex.PW1/12(OSR)- Copy of Aadhar Card of Kritika Lumb (13) Ex.PW1/13(OSR)- Copy of Aadhar Card of Gargi Lumb & (14) Ex.PW1/14- Original valuation report dated 02.04.2025 of the property

bearing H.No.26/52, street No.11, Vishwas Nagar, Shahdara, Delhi-32. She was not cross examined by respondents.

14. **PW-1/Smt. Deepika Lumb** filed her additional evidence affidavit and tendered it as exhibited as **Ex.PW1/A1** on 01.06.2026. She was not cross examined by respondents.

15. Final arguments were heard on 28.01.2026 and 12.06.2026. Case laws filed on behalf of petitioner on 23.02.2026.

ADJUDICATION OF THE PRESENT PETITION

16. Petitioners through their mother/natural guardian namely Smt. Deepika Lumb have filed the present petition for grant of Letter of Administration in respect to the undivided shares of the petitioners in the property bearing H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032.

17. As per PW-1, late Sh. Ram Prakash had purchased the subject property vide sale deed dated 10.04.58. PW-1 further deposed that during the lifetime of Sh. Ram Prakash, he has bequeathed the subject property in favour of his two sons namely Sh. Ramesh Chand and Sh. Kamal Kishore vide Deed of Will **Ex.PW1/4(OSR)**. PW-1 further deposed that after the death of Sh. Ram Prakash, both of his sons became the co-owners of the subject property. PW-1 further deposed that Sh. Ramesh Chand had expired on 20.04.2021. The death certificate of Sh. Ramesh Chand was exhibited as **Ex.PW1/2(OSR)**. After the death of Sh. Ramesh Chand, 50% share in the subject property was devolved upon/inherited by his legal heirs.

18. PW-1 further deposed that Sh. Puneet Lumb had died intestate on 02.07.2023 leaving behind petitioners and his wife namely Smt. Deepika Lumb as his first class legal heirs. The death certificate of Sh. Puneet Lumb and Surviving Member Certificate were exhibited as **Ex.PW1/6(OSR) & Ex.PW1/7(OSR)** respectively. After death of Sh. Puneet Lumb, petitioners and Smt. Deepika Lumb inherited the subject property qua the 50% share of Sh. Puneet Lumb. Respondent No.2 and 3 have already given/recorded their no objection/NOCs in favour of petitioner. Smt. Deepika Lumb being the mother of petitioners, prayed that letter of administration be granted in her favour in respect to the shares of petitioners in the subject property. She further prayed that being the natural guardian of petitioners, she be allowed to administer and manage the shares of the petitioners in the subject property and if necessary then she be allowed to sell the shares of the petitioners in the subject property for the purpose of meeting educational expenses, maintenance and welfare of petitioners. PW-1 in her additional evidence affidavit has deposed that she is looking after the petitioners and taking care of all their requirements and she has no adverse interest against petitioners and their share in the subject property. The testimony of PW-1 remained unchallenged, unrebutted and uncontroverted.

19. From the oral and documentary evidence on record, the petitioners have established their existing interest in the immovable property of late Sh. Ramesh Chand, being their 1st class legal heirs and children of his deceased son Sh. Puneet Lumb i.e. H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032, in accordance

with law. The petitioners are living with their mother Smt. Deepika Lumb and she is taking care of their day-to-day expenses including educational expenses, maintenance, etc. Ms. Deepika Lumb, being the mother of petitioners, has no adverse interest in the shares of petitioners in the subject property.

20. Considering the factual matrix of the case, evidence led by PW-1 and above discussions, this Court is of the considered view that there would be no impediment to issue letter of administration in favour of Ms. Deepika Lumb to administer and manage the shares of petitioners in the subject property i.e. 5.53% each. Thus, letter of administration qua the shares of petitioners is granted in favour of Ms. Deepika Lumb. Ms. Deepika Lumb shall also be entitled to sell the shares of the petitioners in the subject property and use the said amount for their educational purpose, interest, livelihood and welfare. Accordingly, the petition stands **allowed**.

Relief

21. I hereby pass the following order:

Letter of Administration is granted in favour of Ms. Deepika Lumb in respect to the shares of petitioners in the immovable property i.e. H.No.26/52, street No.11, Vishwas Nagar, Shahdara, East Delhi-110032.

22. **Subject to executing an Administrative Bond to the value of the share of petitioners in the subject property along with one Surety Bond of a like amount by Ms. Deepika Lumb within one month. Ms. Deepika Lumb is also directed to furnish requisite court fees.**

23. After compliance, necessary certificate be issued. Ms. Deepika Lumb is also directed to comply with the Section 317 of the Indian Succession Act. Ms. Deepika Lumb is also directed to render the details of accounts spent by her upon the petitioners within 06 months from the date of sale of the shares of petitioners in the subject property.

24. Present petition is accordingly disposed of.

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

Announced in the open Court
on 22nd July, 2026

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi