

IN THE COURT OF DISTRICT JUDGE-05,
CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI



Presided by:-

Sh. Abhishek Srivastava, DHJS

PC No. 54/2019

CNR No:-DLCT01-014398-2019

1. Smt. Anita Sharma,
W/o Late Sh. Sharad Sharma

2. Ms. Tiya Sharma
D/o Late Sh. Sharad Sharma
(The petitioner no. 2 attained majority
during pendency of the petition)

3. Master Vansh Sharma
S/o Late Sh. Sharad Sharma

(The petitioner no. 3 through
his mother and natural guardian petitioner no. 1)

All Resident of
H.No. 426, Gali Mata Wali,
Teliwara, Sadar Bazar,
Delhi-110006.

.....Petitioners

Vs.

1. State..

2. Smt. Versha,
W/o Sh. Anil Vats
R/o H.No. 479, PP Colony,
Near Shiv Mandir, Village Baprola,
New Delhi-110043.

3. Smt. Ritu Jain
W/o Sh. Rahul Jain
R/o Flat No. 2, Vikas Sheel Apartment,
Sector-13, Rohini, New Delhi-110043.

.....**Respondents**

Date of Institution:-21.10.2019

Date of Judgment:- 02.05.2026

JUDGMENT

1. By this judgment, this Court shall dispose of the present petition filed by the petitioners under the provisions of the Indian Succession Act, 1925 (hereinafter referred to as **Act**) seeking grant of letters of administration in favour of the petitioners in respect of the estate of deceased Late Sh. Sharad Sharma S/o Late Sh. Atam Parkash Sharma (deceased husband of petitioner No. 1 and father of petitioners No. 2 and 3) i.e. property bearing No. 426, Gali Mata Wali Teliwara, Sadar Bazar, Delhi- 110006 (hereinafter referred to as **subject property**).

2. At the outset, it may be noted that the petitioner No. 1 is mother of petitioners No. 2 and 3 who were minor at the time of institution of the present petition. This court accordingly allowed the petitioner No. 1 to sue on behalf of petitioners No. 2 and 3 as their next friend vide Order dated 21.10.2019. During the pendency of the petition, the petitioner No. 2 attained the majority and vakalatnama on her behalf was filed.

3. It may also be observed that initially the present petition was filed only against the State as sole respondent. However, during pendency of the petition, the petitioners filed an application under Order 6 Rule 17 read with Order 1 Rule 10 read with Section 151 CPC, seeking impleadment of two other persons (sisters

of deceased) as respondents and consequential amendment in the petition. The said application was allowed by this court vide Order dated 19.11.2025.

4. Brief facts of the case as stated in the amended petition read with original petition (when read in light of documents filed in the petition) are:-

- (a) That the subject property originally belonged to Smt. Ghogri Devi W/o Sh. Banarsi Das, great grand mother-in-law of the petitioner No. 1. Smt. Ghogri Devi during her lifetime executed a Will bequeathing the subject property to her son Sh. Prem Chand. As such, after the death of Smt. Ghogri Devi, Sh. Prem Chand, grandfather-in-law of petitioner No. 1, became the owner of the subject property.
- (b) That Sh. Prem Chand during his lifetime executed a Will dated 19.08.1994, duly registered with the Sub Registrar as document No. 32696 in Book No. 1, Volume No. 2139 at pages 111 to 112 bequeathing the subject property to his grandson Sh. Sharad Sharma S/o Late Sh. Aatam Prakash, while creating a life interest in favour of his wife Smt. Krishna Devi.
- (c) As such, after the death of Sh. Prem Chand and Smt. Krishna Devi, the husband of petitioner No. 1 and father of petitioners No. 2 and 3, namely Sh. Sharad Sharma (hereinafter referred to as **deceased**) became the owner of the subject property.
- (d) That the deceased died intestate on 31.10.2014 leaving behind the petitioners (wife and children) as his legal heirs.
- (e) That the petitioners made two sisters of deceased as respondents No. 2 and 3 who have no objections to grant of letters of administration in favour of petitioners.
- (f) As subject property falls within the jurisdiction of this court, this court has jurisdiction to entertain the present petition.

5. The record of the Court file shows that upon filing of this petition, notice of the petition was directed to be issued to the respondents including respondent/

State through concerned District Collector/SDM. Further, Citation in terms of Section 283 of Act was directed to be published in newspaper “Veer Arjun” (Hindi) calling upon all the persons claiming interest in the estate of the deceased to come and see proceedings and file objections before grant of Letters of Administration vide Order dated 21.10.2019. Citation was also directed to be displayed on the notice board of the Collector/ SDM concerned as well as on the notice board of the Court.

6. As per records, citation was duly published in the newspaper “Veer Arjun” dated 12.12.2019. The Citation was also published on the notice board of this Court as well as on the notice board of SDM concerned. As per report, notice of this petition was served upon the respondent State through the concerned SDM office. As already noted, respondents No. 2 and 3 were impleaded subsequently, both the respondents submitted that they have no-objections to grant of letters of administration in favour of the petitioners. No other objections to the present petition were received by this court from any quarter, despite expiry of sufficient period from the date(s) of publication of citation.

7. In order to substantiate their case, the petitioners examined only one witness as PW1.

8. The petitioner No. 1 Smt. Anita Sharma examined herself as PW-1 in support of the averments made in the petition and has tendered her evidence by way of affidavits **Ex.PW1/1**, **Ex.PW1/2** and **Ex.PW1/3** alongwith the following documents:-

(i) **Ex.PW1/A (OSR)**: Copy of Sale Deed dated 10.09.1956 executed by Sh. Durga Prasad in favour of Smt. Ghogri Devi and its English Translation

(ii) **Ex.PW1/B (OSR)**: Copy of GPA dated 14.04.1971 of Smt. Ghogri Devi in favour of Sh. Prem Chand

(iii) **Ex.PW1/C (OSR)**: Copy of Will dated 14.04.1971 of Smt. Ghogri Devi in favour of Sh. Prem Chand

- (iv) **Ex.PW1/D:** Will dated 19.08.1994 of Late Sh. Prem Chand in favour of Sh. Sharad Kumar
- (v) **Ex.PW1/E (OSR):** Copy of death certificate of Smt. Ghogri Devi
- (vi) **Ex.PW1/F (OSR):** Copy of House Tax Notice of MCD
- (vii) **Ex.PW1/G (OSR):** Copy of death certificate of Sh. Prem Chand
- (viii) **Ex.PW1/H (OSR):** Copy of death certificate of Sh. Attam Prakash
- (ix) **Ex.PW1/I (OSR):** Copy of death certificate of Smt. Snehlata W/o Sh. Attam Prakash
- (x) **Ex.PW1/J:** Copy of death certificate of Sh. Sharad Sharma S/o Late Sh. Aatm Prakash
- (xi) **Ex.PW1/K:** Copy of marksheet of 10th class of Late Sh. Sharad Sharma
- (xii) **Ex.PW1/M & N:** Copy of birth certificates of petitioners No. 2 and 3
- (xiii) **Ex.PW1/O:** Copy of Aadhar card of petitioner No. 1
- (xiv) **Ex.PW1/P:** Certified copy of Judgment dated 11.04.2019 passed in CS No. 870/2018
- (xv) **Ex.PW1/Q:** Certified copy of Decreesheet of CS No. 870/2018
- (xvi) **Ex.PW1/R:** Certified copy of evidence affidavit of Sh. Sanjay Heritas (tendered in CS No. 870/18)
- (xvii) **Ex.PW1/S:** Certified copy of evidence affidavit of Smt. Anita Sharma (tendered in CS No. 870/18)
- (xviii) **Ex.PW1/U & V:** Certified copy of rent agreements
- (xix) **Mark A:** Photocopy of Aadhar Card of Smt. Ritu Jain.

9. No other witness was examined by the petitioners. On the submissions of Ld. Counsel for petitioners, PE was closed vide Order dated 18.12.2025. The matter was thereafter adjourned for final arguments.

10. Final arguments have accordingly been heard on behalf of the petitioners. It is submitted by Ld. Counsel for the petitioners that Sh. Sharad Sharma died intestate on 31.10.2014 leaving behind the petitioners (wife and children) as his

only surviving Class-I legal heirs and the subject property devolved upon them. Ld. counsel for the petitioners further submitted that in order to avoid any controversy, the petitioners made two sisters of deceased as respondents No. 2 and 3 who have already given no objections to grant of letters of administration in favour of petitioners. There as such is no hindrance in grant of Letters of Administration qua the subject property in favour of the petitioners.

11. I have heard the submissions made on behalf of the petitioners and have also carefully perused the material available on the record. A perusal of record reveals that the present petition has been filed by the petitioners, being class-I legal heirs of deceased Sh. Sharad Sharma, while making requisite averments as per the provisions of Sections 278 and 279 of the Act. Petitioners, through the uncontroverted testimony of PW1, have been able to prove that the deceased Sh. Sharad Sharma died intestate on 31.10.2014 and is survived by three legal heirs i.e. petitioners (wife and children).

12. As the deceased's title over the suit property had been derived through a Will dated 19.08.1994, duly registered with the Sub Registrar as document No. 32696 in Book No. 1, Volume No. 2139 at pages 111 to 112 of his grandfather namely Sh. Prem Chand, in order to avoid any controversy (as the Will dated 19.08.1994 has not been proved as per law in this case by the petitioners), the petitioners made two sisters of deceased as respondents No. 2 and 3 who have already given their no-objection for grant of letters of administration in favour of the petitioners. In the considered opinion of this court, there as such is no hindrance in grant of Letters of Administration in favour of the petitioners of the estate of deceased Late Sh. Sharad Sharma i.e. property bearing No. 426, Gali Mata Wali Teliwara, Sadar Bazar, Delhi- 110006.

13. So far as the issue of jurisdiction of this Court to grant the Letters of Administration is concerned, since the subject property is situated within the jurisdiction of this Court, in the considered opinion of this Court, this Court has

jurisdiction to grant letters of administration in respect of estate left behind by deceased.

14. Thus, in view of uncontroverted testimony of PW1, the present petition being in compliance with the provisions of Section 278 and 279 of the Indian Succession Act, 1925, petitioners are entitled to grant of letters of administration qua the estate of the deceased.

15. A perusal of record reveals that upon a notice received by SDM, Kotwali, a detailed valuation report qua the subject property was filed by the SDM, Kotwali in terms of which the value of the subject property as on the date of filing of the present petition was Rs. 72,83,180.4/- (Rupees Seventy Two Lakh Eighty Three Thousand One Hundred and Eighty And Paisa Forty Only).

16. In view of aforesaid discussion, I hereby order that the letters of administration of the estate of deceased Late Sh. Sh. Sharad Sharma S/o Late Sh. Atam Parkash Sharma i.e. property bearing No. 426, Gali Mata Wali Teliwara, Sadar Bazar, Delhi- 110006 be granted to the petitioners, namely, Smt. Anita Sharma, Ms. Tanya Sharma and Master Vansh Sharma in the Form provided under Schedule VII of the Indian Succession Act, 1925 under the seal of this Court, subject to their furnishing of Administration Bond with Surety in terms of Section 291 of the Indian Succession Act in Form No. 180 of Volume 6A of Delhi High Court Rules and payment of requisite Court fee as per valuation report received from SDM, Kotwali within three months from today. The petitioners are directed to exhibit the inventory in the Court within six months of the grant and account of the estate within a year of the grant in terms of Section 317 of the Indian Succession Act, 1925 in Form No. 178 & 179 respectively of Volume-6A of the Delhi High Court Rules.

17. Before parting with this judgment, it is hereby clarified that since this Court is not supposed to go into the issue of title of deceased over the subject property, this Court has not examined the issue of ownership of the subject

property and accordingly, nothing in the present order shall be deemed to have the effect of conferring any title over the subject property to the petitioners.

18. Ordered accordingly.

*(Announced in the open court on this 2nd day of May, 2026
This Judgment consists of Eight signed pages).*

(Abhishek Srivastava)
District Judge-05,
Central, THC, Delhi