

Court No. - 53

Case :- TESTAMENTARY CASES No. - 24 of 2017

Petitioner :- Sharad Bhatia In The Matter Of Prop. Of Late Sri B.D. Bhatia

Counsel for Petitioner :- Mohit Kumar

Counsel for Respondent :- Amar Singh Kashyap, Pramod Kumar Srivastava

Hon'ble Vivek Agarwal, J.

Heard Sri Mohit Kumar, learned counsel for the petitioner and Sri Pramod Kumar Srivastava, learned counsel for next of kins.

Sri Pramod Kumar Srivastava has filed 'no objections' on behalf of the next of kins.

Four affidavits of no objections of Neha, Garima Seth, Gulshan Bhatia and Charanjeet Bhatia have been filed.

Petitioner Sri Sharad Bhatia is seeking Letters of Administration to the estate and the credits of the deceased late Har Bhagwan Das Bhatia, who is reported to have died on 27.4.2007 at 15 Church Lane, Allahabad. A death certificate dated 12.5.2007 has been brought on record, as per which Har Bhagwan Das Bhatia died on 27.4.2007. The next of kin of the deceased has been specified in para-9 of the petition. Notices were issued to them on 3.1.2020.

On the presentation of the petition, notices were directed to be issued to the Administrator General U.P.. Notice of this petition was also directed to be served on Board of Revenue of U.P.

The citation of the petition was directed to be published in two newspapers 'Amar Ujala' (Hindi) and 'Northern India Patrika' (English) both published from Allahabad on 31.8.2017.

The Administrator General and the Board of Revenue have also not filed any objection.

An affidavit of service has been filed bringing on record the original copies of the newspapers 'Amar Ujala' (Hindi) and 'Northern India Patrika' (English) both published from Allahabad on 31.8.2017 respectively, containing the citation but in response to the same no person has come forward to oppose the grant or to file any objection.

Pursuant to that notice, affidavits of no objection have been

filed by Sri Pramod Kumar Srivastava, Advocate on behalf of next of kins.

In view of above, the matter is non-contentious in nature.

The deceased had died at 15 Church Lane, Allahabad, and his death certificate dated 12.5.2007 has been signed by the Registrar, Birth & Death.

The Registrar General of the Court has certified under Rule 8 of Chapter XXX of the Rules of the Court that he has received no intimation from any other High Court or District Court of any grant of probate of any Will or Letters of Administration of the property and credits of the above-named deceased throughout the territory of India. Hence the present petition is the first and the only petition seeking grant of Letters of Administration to the estate and credits of the deceased.

The petitioner has filed details of the property/credits left behind by the deceased. The estimated total valuation of the property is Rs.50,00,000/- i.e. 15, Church Lane, Allahabad.

In view of the aforesaid facts and circumstances, as the petitioner is grandson of the deceased and the other heirs of the deceased have expressed their no objection to the grant of letters of administration to the petitioner, coupled with the fact that no one else has appeared to contest the grant, I consider it fit and appropriate to permit the petitioner to administer the estate of the deceased.

Accordingly, Letter of Administration is granted to the estate and credits of the deceased Late Har Bhawan Das in favour of the petitioner Sharad Bhatia S/o Sri Charanjeet Bhatia subject to the Registrar General certifying payment of court fee as contemplated under Rule 9 of Chapter XXX of the Rules of the Court.

Petition is, accordingly, allowed.

Order Date :- 28.1.2020

S.K.S.