

Sr. No.	Date	Orders
		<p>%03.02.2005</p> <p>Present: Mr.Sanjay Agnihotri for the petitioner. Mr.T.A. Mir for respondents No.2 and 3.</p> <p><u>+IA No.5898/2003 in Pr.17/2003</u></p> <p>*</p> <p>1. Application is by the petitioner under Order 32 CPC praying that a guardian <i>ad litem</i> be appointed for respondent No.4. It is prayed that respondent No.3 be appointed as the guardian of respondent No.4.</p> <p>2. Petitioner and the respondents are brothers and sisters. Respondent No.3 is the brother of respondent No.4. As per the application, respondent No.4 is being looked after by respondent No.3, a fact not disputed by counsel for respondent No.3. Petitioner has placed on record medical record pertaining to respondent No.4 and in particular a certificate dated 28.4.2004 issued by the Superintendent, Institute of Mental Health, Hyderabad (A.P.). Certificate records brain damage and opines that respondent No.4 "<i>is suffering from mental retardation with behavioural disturbances suggestive of autistic features.</i>"</p> <p>3. Respondent No.3 concurs with the petitioner that their sister suffers from mental retardation.</p> <p>4. In view of the certificate dated 28.4.2004, application is</p>

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		<p>allowed. Respondent No.3 is appointed as the guardian <i>ad litem</i> of respondent No.4.</p> <p><u>Probate No.17/2003</u></p> <p>1. This is a petition under Section 278 of the Indian Succession Act, 1925 praying for grant of letter of administration to the petitioner to the Estate left behind by late Sh.Sardar Harnam Singh, stated to have died intestate on 24.4.1984. It is stated in the petition that the deceased late Sh.Sardar Harnam Singh was a Sikh and was survived by his widow, Smt.Biant Kaur, two sons and two daughters being the petitioner and respondents No.2 to 4. It is stated in the petition that Smt.Biant Kaur expired on 21.3.2001.</p> <p>2. There is no opposition to the petition by respondents No.2 to 4.</p> <p>3. Petitioner has led evidence by way of affidavit. There is an assertion in the affidavit that the deceased was ordinarily a resident of Delhi. Death certificate of late Sh.Sardar Harnam Singh being Ex.PW.1/1 records that Sardar Harnam Singh expired on 24.4.1984. Death Certificate of Smt.Biant Kaur Ex.PW.1/2 records that she died on 21.3.2001.</p> <p>4. In view of Ex.PW.1/1 and Ex.PW.1/2, it stands established that late Sardar Harnam Singh has expired and so has his wife. No will has been propounded.</p>

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		<p>5. Petition is accordingly allowed. Petitioner is granted letter of administration pertaining to the estate left behind by Sardar Harnam Singh detailed in Annexure-C to the petition, being plot No.9A, Guru Nanak Colony, Bidar, Maharashtra.</p> <p>6. Petitioner to file the requisite administration bond and comply with Section 291 of the Indian Succession Act, 1925.</p> <p>7. Registry to draw the necessary instrument on the petitioner complying with Section 291 of the Indian Succession Act, 1925 and filing the requisite stamp paper on which the instrument would be drawn.</p> <p>No costs.</p> <p>February 03, 2005 sk</p> <p><i>P. N. Rajog</i> PRADEEP NANDRAJOG, J.</p> <p><i>Frash 9A 4,006/08 u/s 151 CPC filed by petitioner for enforcement of decree and filing stamp duty / Surety bond</i></p>