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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TEST CAS. NO. 40/2004
DR.(MISS) IONA LEEKHA MATHEW Petitioner
! through: Mr. H.L. Narula, Advocate
VERSUS

\$ STATERespondent
^ Through: None

% DATE OF DECISION: MARCH 11, 2005

CORAM:
HON'BLE MR. JUSTICE T.S. THAKUR

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the Reporter or not?
 3. Whether the judgment should be reported in the Digest?
- } Mr
nec. copy

JUDGMENT

This is a petition under Section 278 of the Indian Succession Act for the grant of letters of administration. The petitioner is the daughter of late Sh. Ved Leekha who passed away in Apollo Millennium Hospital in Delhi on 2nd November, 2004. Smt. Darshan Leekha, the

mother of the petitioner has also passed away. The petitioner's case in the petition is that the fixed place of abode of both her parents namely Sh. Ved Leekha and Smt. Darshan Leekha was at 3/9, Old Rajinder Nagar, New Delhi. Both of them have, according to the petition, died intestate leaving behind the petitioner and Shri Bobby Leekha, her brother as the only legal heirs. The deceased appear to have left behind assets and properties set out in schedule 'B' to the petition. These include a flat, debenture certificate and certain units certificates, the value whereof is in the neighbourhood of 11 lacs or so. The petitioner has, in the above background, prayed for the grant of letters of administration relating to the estate left behind by her deceased parents as well as the debts and securities mentioned in Schedule B to the petition.

2. A notice of the filing of the petition was issued by way of publication in the Statesman published from Delhi and West Bengal. While the notice in the Statesman published from New Delhi was published in its edition dated 3rd September, 2004 that published from Calcutta appeared in its edition dated 6th September, 2004. Notices were also issued to the Chief Controlling Revenue Authority for submission of the valuation report qua the estate of the deceased and to the sole relative mentioned in Schedule A to the petition. No objections have, however,

been received from any outsider or even from the brother of the petitioner mentioned in the schedule A to the petition. The Chief Revenue Controlling Authority has also not chosen to appear or oppose the grant of letters of administration.

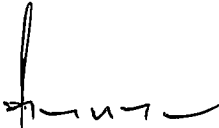
3. In the statement of the petitioner recorded before the Joint Registrar on 4th February, 2005, the petitioner had testified to the correctness of the death certificate of her father and that of her mother marked as Ex.P1 and Ex.P2 respectively. She has also testified to the correctness of the indenture of conveyance relating to property being flat No. 411, 182, NSC Bosrow, Calcutta marked as Ex.P3 and the share certificate of 100 shares of Industrial Finance Corporation of India Ltd. marked Ex.P4. apart from Ex.P5 which happens to be the unit certificate of 1000 units in the name of late Mr. Ved Leekha.

4. In the circumstances, therefore, and in the absence of any opposition from any quarter to the prayer for grant of letters of administration, I see no reason to decline the prayer made in the petition. I accordingly allow this petition and grant the letters of administration prayed for in favour of the petitioner in respect of the estate left behind by her parents Sh. Ved Leekha and Smt. Darshan Leekha with the details given in schedule B to the petition subject to the petitioner paying the

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requisite court fee and complying with other formalities if any like
execution of an indemnity/administration bond.

MARCH 11, 2005
'Neeraj'


T.S. THAKUR, J.

Surety Bond filed