
(2010) 04 DEL CK 0273

In the Delhi High Court

Case No : Test. Cas. 18 of 2010 and I.A. No's. 2290 and 2291 of 2010

S.R. Khanna and Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Citation : (2010) 04 DEL CK 0273

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : Ashish K. Mishra, for the Appellant; Nemo, for the Respondent

Final Decision : Allowed

Judgement

S. Ravindra Bhat, J.—This petition seeks grant of Succession Certificate in respect of the movables and debts payable to the estate of late Dr. Raja Ram Khanna and his wife, late Smt. Promilla Khanna @ Bimla Khanna @ Bimla Kumari Khanna @ Ms. B.K. Khanna. The petitioners claim to be the sole surviving heirs of the said two deceased persons.

2. Originally, the proceeding was filed in the Court of Addl. District Judge. However, it was noticed that the valuation of the property exceeded Rs. 50 lakhs. This led to the return of proceedings, for filing before the Competent Court, i.e. this Court. The record of the lower Court was summoned on the previous date of hearing, i.e. 24.02.2010; the same has been received. It reveals that the fourth petitioner had deposed in support of the proceedings by filing an affidavit dated 28.04.2009. The said affidavit was exhibited by the Court on 28.04.2009.

3. The record of the lower Court would reveal that by an order dated 27.01.2009, Mr. Saravjit Singh, Advocate was appointed as Commissioner to visit the two banks - (i) State Bank of India, Denobili School Campus Branch, CMRS, Dhanbad and (ii) State Bank of India, Indian School of Mines Branch, Dhanbad, Jharkhand, and prepare an inventory of items lying in Locker No.41 in the former bank and Locker No. 80 in the latter bank, in the names of the deceased, late Dr.

Raja Ram Khanna and his wife, late Smt. Promilla Khanna @ Bimla Khanna @ Bimla Kumari Khanna @ B.K. Khanna. Pursuant to the order, the Local Commissioner visited the said branches and submitted his report on 18.02.2008 (Ex. PW-1/G collectively), which is part of the record. The petitioners have listed out the debts and movables which the estate of the two deceased were entitled to and have also filed particulars of the bank accounts and the Savings Bank Accounts of various branches.

4. In the affidavit evidence marked as Ex.PW-1/1, the fourth petitioner deposes that the list correctly reflects the legal representatives and heirs of the two deceased persons. It is stated that Dr. Raja Ram Khanna died on 08.02.2007 at Dhanbad and that his wife, late Smt. Promilla Khanna @ Bimla Khanna @ Bimla Kumari Khanna @ B.K. Khanna predeceased him on 26.08.1993. The Death Certificates have been produced as Ex.PW-1/A and Ex. PW-1/B. The record would also reveal that the citation was also issued by the Court and the notice of the proceedings was published in the newspaper on 22.08.2008 in the daily Dainik Jagran. There have been no opposition to these proceedings.

5. Having regard to the above materials, the Court is of the opinion that the petitioners have established their entitlement to the grant of a Succession Certificate in respect of the properties and movables mentioned in Annexure-B, to the petition. The petition has to, therefore, succeed. Let Succession Certificate be issued to the petitioners in respect of the properties detailed in Annexure-B, subject to their furnishing Administration and Surety Bond.

6. I.A. No. 2291/2010 is disposed of in the above terms. No costs. List before the Joint Registrar on 20.04.2010, for further proceedings, to enable the petitioners to furnish Administration and Surety Bonds.

7. The petition is allowed in the above terms. No costs.