

**IN THE COURT OF MS. SHEFALI BARNALA TANDON : LD.  
ADMINISTRATIVE CIVIL JUDGE- CUM- ADDITIONAL RENT  
CONTROLLER (CENTRAL) : DELHI**

Petition No. : SC/46/18

**In the matter of:-**

Smt. Krishna Kumari Bakshi,  
W/o. Late Dharam Bir Bakshi,  
R/o. W-14, Greater Kailash-II,  
South Delhi, New Delhi-110048.

....Petitioner.

Versus

The State & Ors.

.....Respondents.

Date of Institution : 13.04.2018

Date of order when reserved : 25.02.2020

**Date of order when announced : 26.05.2020 (due to  
lockdown on account  
of COVID-19)**

**J U D G M E N T :**

1. The present succession petition has been filed by the petitioner Smt. Krishna Kumari Bakshi in respect of 112 share of Shriram Fibres Limited left by the deceased Sh. Nripendra Kumar Kapur, who expired in October, 1973, claiming that the deceased Sh. Nripendra Kumar Kapur was the real brother of

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the present petitioner and died bachelor hence there is no class-I legal heir.

2. After filing of this petition, notice was given to the general public by way of publication in the newspaper "The Statesman" dated 30.05.2018, but none has appeared from the general public to oppose or contest the present petition.

3. In order to substantiate her case, the petitioner Smt. Krishna Kumari Bakshi deposed as PW-1. The present petitioner has exhibited the petition as PW-1/1, the copy of her Aadhaar Card and PAN Card as Ex. PW-1/2 & Ex. PW-1/3 respectively. It is stated by her that the deceased Sh. Nripendra Kumar Kapur was a permanent resident of 14-C, Bazar Marg, Rajinder Nagar, New Delhi-110060. The deceased Sh. Nripendra Kumar Kapur had expired in October, 1973. It is stated by her that the deceased Sh. Nripendra Kumar Kapur

died un-married, hence no class-I legal heirs has left by the deceased. It is also deposed that besides her, the deceased has left behind three brothers namely Mr. Vidya Rattan Kapur (brother), Mr. Gopal Krishan Kapur (Brother) & Mr. Surinder Kumar Kapur (Brother), who are respondents No. 2 to 4 in the present petition. The deceased Sh. Nripendra Kumar Kapur also had another brother namely Narinder Kapur, who had also expired leaving behind three daughters namely Ms. Renu Malhotra, Ms. Neelam Juneja & Ms. Madhu Sharma and one son namely Mr. Sanjay Kapur, who are respondents No. 5 to 8 in the present petition. It is also deposed that the deceased Sh. Nripendra Kumar Kapur did not execute any Will during his lifetime and that the parents of the deceased had also expired. That two brothers of the deceased namely Sh. Gopal Krishan Kapur & Mr. Surinder Kumar Kapur have filed their no objections to grant of Succession Certificate in her favour, in the shape of affidavit duly attested by the notary and the same are

marked as Mark A & Mark B. The deceased has left behind an interim dividend of Rs.560/- and 112 shares of SRF Limited. The original interim dividend and a letter issued by the SRF Limited in this regard has been proved as exhibited as Ex. PW-1/4 & Ex. PW-1/5 (Collectively) respectively. It is stated that the current market value of the said shares is Rs.2,95,232/- (Rs.2636 x 112 shares). It is stated that by way of present petition, she is claiming only 60% share in the debts and securities i.e. 112 shares of M/s. Shree Ram Fibres of the deceased. The deceased was ordinarily a resident of Delhi and there is no impediment for grant of Succession Certificate in favour of the present petitioner.

4. The arguments advanced by the Ld. Counsel for the petitioner have already been heard and the entire record has been perused carefully.

  
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5. In the present matter, petitioner is claiming succession certificate qua debts and securities of her deceased brother Sh. Nripendra Kumar Kapur. It is pleaded by the petitioner that the deceased was un-married during his lifetime. It is also pleaded by the petitioner that the deceased died intestate and parents of the deceased had also expired. There is no class-I legal heirs of the deceased. The deceased has left behind class-II legal heirs i.e. his sister & brothers, who are petitioner and respondents respectively in the present petition. It is pleaded by the petitioner that one brother of the deceased namely Narinder Kapur had also expired after the death of the deceased, hence, his legal heirs are also entitled to grant of Succession certificate qua the debts and securities of the deceased Sh. Nripendra Kumar Kapur. Since, no objections of respondents no. 3 & 4 namely Sh. Gopal Krishan Kapur and Sh. Surinder Kumar Kapur have already filed in favour of the present petitioner, hence, their respective shares be given to the

present petitioner.

6. Now, the only question remains to be decided whether the petitioner is entitled to grant of Succession Certificate as neither specific date of death has been mentioned in the present petition nor death certificate issued by any Government authority of the deceased has been filed on record. However, it is noticed that publication of the petition was duly carried out in newspaper 'The Statesman' dated 30.05.2018, but none has appeared from the general public in the Court to raise any objection to the present petition. Even, the LRs i.e. Sh. Surinder Kumar Kapur & Sh. Gopal Krishan Kapur, brothers of the deceased have filed their no objections to grant of Succession Certificate in favour of the petitioner. They have not at all disputed the death of the deceased though they have also not been able to tell the exact date of death of the deceased. As per the petitioner and LRs of deceased, the deceased expired

almost 48 years ago. The other LRs of the deceased have not appeared in the Court despite service of notice.

Ld. Counsel for the petitioner has filed and relied upon a judgment in a case titled as "Sudarshan Shaw Vs. Subhas Shaw" delivered by the Hon'ble High Court of Calcutta having FMA No. 325 of 2005 in support of their contention.

7. The undersigned has gone through the aforesaid judgment, however the said judgment is with regard to a missing person and the facts & circumstances of it are totally different from the case in hand, as the petitioner has nowhere pleaded that the deceased ever went missing. The case of the petitioner is solely based on the fact that the deceased expired in October, 1973. Therefore, the aforesaid citation is not applicable to the present case, hence of no avail to the petitioner.

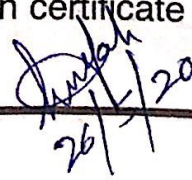
8. However, section 108 of The Indian Evidence Act 1872 comes

to the rescue of the petitioner. Even the other LR's have stated that the deceased has expired long back. The marital status of the deceased has also not been disputed by the said LRs and they have given their NOCs in favour of the petitioner. Hence, no malafide on part of the petitioner seems apparent.

9. In view of the evidence adduced by the petitioner which has remained un-rebutted and un-controverted, the court is of the considered opinion that there is *prima-facie* no impediment for grant of Succession Certificate in favour of petitioner Smt. Krishna Kumari Bakshi to the extent of 3/5th share in the 112 shares of SRF Limited lying in the name of deceased Sh. Nripendra Kumar Kapur, in terms of Ex. PW-1/4 & Ex. PW-1/5 as well as Mark A & B, having market value of the same is Rs.3,04,304/- (including the amount of other unclaimed dividends, as mentioned in the Ex.PW-1/5). Succession Certificate granted accordingly. Succession certificate be drawn

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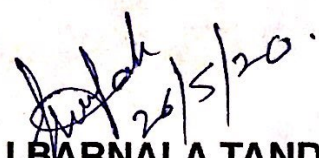
  
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on deposit of requisite proportionate court fee of Rs.6,086/- & on furnishing an Indemnity Bond with one surety within 15 days, **subject to the condition that in future, if any, objection is made from any side qua the factum of death of the deceased, petitioner would liable to be prosecuted and the amount so granted to be forfeited.**

File be consigned to Record Room.

Announced through  
Video conferencing  
on on 26.05.2020  
(Central)

  
**(SHEFALI BARNALA TANDON)**  
Administrative Civil Judge-cum-  
Additional Rent Controller  
Delhi.

**THIS JUDGMENT CONTAINS 9 PAGES**