

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

Petition No. : SC/173/19

In the matter of:-

1. Dr. Rahul Dutta,
S/o. Sh. Surinder Dutta,
2. Ms. Divya Surinder Dutta,
D/o. Shri Surinder Dutta,

Both R/o. 31, La Vista Chsl, K.K. Ganguly Marg, Juhu
Tara Road, Juhu, Santa Cruz, West,
Mumbai-400049, India.

....Petitioners.

Versus

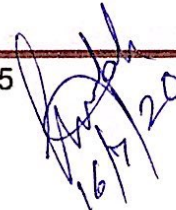
1. The State.
2. Mrs. Urmil Datta,
D/o. Shri Bhagwan Datta and
W/o. Sh. Yudhishter Datta,
R/o. 15662, Signature Drive,
Winter Garden, Florida -34787,
U.S.A.

....Respondents.

Date of Institution : 03.12.2019
Date of order when reserved : 16.07.2020
Date of order when announced : 16.07.2020

SC/173/19

Page 1/5



JUDGMENT:

1. The present succession petition has been filed by the petitioners namely Dr. Rahul Dutta & Ms. Divya Surinder Dutta in respect of NSCs & UTI mutual fund, left by the deceased persons namely Ms. Shashi Datta & Ms. Sheela Datta (hereinafter referred as the '*deceased persons*'), who expired on 30.11.2017 & 24.11.2018 respectively at Delhi, claiming that the '*deceased persons*' were the real sisters of father of the petitioners.

2. After filing of this petition, notice was given to the general public by way of publication in the newspaper "*The Statesman*" dated 21.01.2020, but none has appeared from general public to oppose or contest the present petition.

3. In order to substantiate their case, the petitioner No. 1. **Dr. Rahul Dutta deposed as PW-1** and stated that petitioner No. 2 Ms. Divya Surinder Dutta is his sister. It is stated that the '*deceased persons*' namely Ms. Shashi Datta & Ms. Sheela Datta died un-married and issueless on 30.11.2017 & 24.11.2018 respectively at Delhi and their death certificates are exhibited as **Ex. PW-1/1 & Ex. PW-1/2**. The '*deceased persons*' executed registered Wills dated 28.08.2017 and the copies of the same are marked as Mark A & B respectively. It is further stated that the SC/173/19

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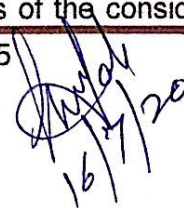
respondent no. 2 Urmil Datta has given her no objection, which is **Ex. PW-1/3** to grant of succession certificate to the extent of equal shares in favour of both the present petitioners. The deceased persons have left behind National Saving Certificates and the copies of the same are exhibited as **Ex. PW-1/4** (Collectively) and also left behind UTI Mutual Funds, the copy of UTI Mutual Fund is exhibited as **Ex. PW-1/5**, having an amount of Rs.32,534.65p. He further deposed that the '*deceased persons*' had not adopted any child. The '*deceased persons*' also had one sister namely Ms. Shakun Bagai, who had predeceased the '*deceased persons*'. Smt. Shakun Bagai was married but died issueless. The '*deceased persons*' also left behind one brother namely Sh. Surinder Dutta, who was the father of the petitioners and had also expired leaving behind them as LRs. The petitioner No. 2 in the present petition has executed Power of Attorney in his favour and the same has been exhibited as **Ex. PW-1/6**. The '*deceased persons*' were ordinarily resident of Delhi and there is no impediment for grant of Succession Certificate in his favour and also in favour of petitioner no. 2 in respect of National Saving Certificates lying in the name of deceased Shashi Datta only, jointly owned by Ms. Saroj Datta and Shashi Datta, which devolves upon both the petitioners to the extent of half share each & both the petitioners are also entitled half share each in the National Saving Certificates and UTI Bond which are jointly owned by Ms. Sheela Datta and Ms. Shashi Datta.


16/7/20

4. **PW-2 Ms. Neha Suresh Thakkar**, deposed by way affidavit **Ex. PW2/A**, that she is one of the attesting witness to the Wills dated 28.08.2017 of Late Ms. Sheela Datta and Ms. Shashi Datta. The copies of the Will of the '*deceased persons*' are exhibited as **Ex. PW-2/1 & Ex. PW-2/2** (OSR) respectively. She proved her Adhaar Card as **Ex. PW-2/3** (OSR). She stated that she recognises the signature of Late Ms. Sheela Datta & Ms. Shashi Datta at point 'A' & 'E' on their Wills respectively. She stated that at the time of execution of the said Wills, the '*deceased persons*' were of sound state of mind and had executed the said Wills out of their free will and pleasure in her presence. Thereafter, PE was closed and final arguments were heard.

5. By virtue of their Wills, the '*deceased persons*' have bequeathed their securities, which is the subject matter of the present petition in favour of both the petitioners to the extent of half share each. During the course of the arguments, Ld. Counsel for the petitioner stated that another sister namely Ms. Saroj Datta of the '*deceased persons*' had also expired un-married and had not adopted any child.

6. 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 both the petitioners namely Dr. Rahul Dutta and Ms. Divya Surinder Dutta in respect of National Saving Certificates lying in the name of deceased Shashi Datta only, in the debts and securities jointly owned by Ms. Saroj Datta and Shashi Datta, which devolves upon both the petitioners to the extent of half share each as the **petitioners are claiming succession certificate only qua the debts and securities of deceased persons namely Ms. Sheela Datta & Ms. Shashi Datta only.** Both the petitioners are also entitled half share each in the debts and securities jointly owned by Ms. Sheela Datta and Ms. Shashi Datta, in terms of Ex. PW-1/4 (Collectively) & Ex. PW-1/5, having total amount of Rs.12,68,957.15p. Succession Certificate granted accordingly. Succession certificate be drawn on deposit of requisite proportionate court fee of Rs.25,379/- & on furnishing an Indemnity Bond with one surety within 15 days.

File be consigned to Record Room.

Announced through
Video conferencing
on 16.07.2020


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

THIS JUDGMENT CONTAINS 5 PAGES