

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

Petition No. : SC/05/2020

In the matter of:-

Shri Sanjay Jain,
S/o. Late Sh. Rajinder Kumar Jain,
R/o. 21-D, MIG DDA Flats, Gulabi Bagh,
Delhi-110007.
....Petitioner.

Versus

The State (NCT of Delhi) & Ors.
.....Respondents.

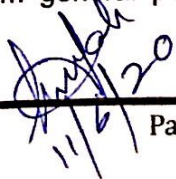
Date of Institution : 09.01.2020
Date of order when reserved : 11.06.2020
Date of order when announced : 11.06.2020

J U D G M E N T :

1. The present succession petition has been filed by the petitioner namely Sh. Sanjay Jain in respect of current account, left by the deceased namely Sh. Rajinder Kumar Jain, who expired on 25.06.2019 at Delhi, claiming that the deceased namely Sh. Rajinder Kumar Jain was his father.

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.

SC/05/2020



Page 1/4

3. PW-1 Sh. Subhash Chand Goel, Dy. Manager, Punjab National Bank, Kailash Nagar branch, Delhi brought the certified statement of current account bearing No. 0161002100033612, lying in the name of Jain Paras Garments having balance amount of Rs.11,45,633.38p, the same is exhibited as Ex. PW-1/1. As per bank record, Sh. Rajinder Kumar Jain was the Proprietor of the said firm.

4. In order to substantiate his case, the petitioner Sh. Sanjay Jain deposed as PW-2. It is stated that the deceased Sh. Rajinder Kumar Jain was his father, who expired on 25.06.2019 at Delhi and copy of his death certificate is marked as Mark A. Besides him, the deceased has left behind his widow, one son and two daughters, who are respondents No. 2 to 5 in the present petition. All of them have given their statement in the Court with regard to their no objections to grant of Succession Certificate in his favour except respondent No.3 Mrs. Veena Jain, who has filed affidavit with regard to her no objection to grant of Succession Certificate in his favour being unable to come to the Court due to medical reasons , the same is marked as Mark B. The deceased did not execute any Will during his life time. The deceased was maintaining a current account bearing No. 0161002100033612 with Punjab National Bank, Kailash

Nagar Branch, Delhi, the certified copy of statement of the said account has already been exhibited as Ex. PW-1/1 in the statement of the bank official. The deceased was the Proprietor of M/s. Jain Paras Garments. He has exhibited the copy of his driving licence as Ex. PW-2/1. The deceased was ordinarily a resident of Delhi and there is no impediment for grant of Succession Certificate in his favour.

5. Statements of Respondents No. 2,4 & 5 namely Sh. Manish Jain, Mrs. Ridhi Jain & Mrs. Namita Jain have been recorded as RW-1 to RW-3 with regard to their no objections, which are collectively exhibited as Ex. RW-1/A, Ex. RW-2/A & Ex. RW-3/A respectively, to grant of Succession Certificate in respect of debts and securities of the deceased Sh. Rajinder Kumar Jain, in favour of the petitioner. Even voluntary consent of Respondent no. 3 Mrs. Veena Jain qua her NOC in favour of the petitioner was confirmed by the Court through video conferencing before passing the order.


6. During the course of arguments, on inquiry Ld. Counsel for the petitioner submitted that the mother of the deceased Sh. Rajinder Kumar

Jain predeceased the deceased, as she expired somewhere in the year 2004-2005.

7. 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 Sh. Sanjay Jain, in respect of current account bearing no. 0161002100033612 maintained with Punjab National Bank, Kailash Nagar branch, Delhi, in terms of Ex.PW-1/1, having total balance amount of Rs.11,45,633.38p lying in the name of deceased namely Sh. Rajinder Kumar Jain. Succession Certificate granted accordingly. Succession certificate be drawn on deposit of requisite proportionate court fee of Rs.22,913/- & on furnishing an Indemnity Bond with one surety within 15 days.

File be consigned to Record Room.

Announced through
video conferencing
on 11.06.2020


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

THIS JUDGMENT CONTAINS 4 PAGES