

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

Petition No. : SC/111/19

In the matter of:-

- 1 Sh. Deepak Jain,
S/o. Late Sh. Ravi Chand Jain,
R/o. 4514/13, Main Road,
Pahari Dhiraj, Delhi-110006.
- 2 Sh. Atish Jain,
S/o. Late Sh. Shashi Chand Jain,
R/o. 11263/4, 1st Floor,
Gali No. 2, Dori Walan,
Karol Bagh, Delhi-110005.
- 3 Sh. Vivek Jain,
S/o. Late Sh. Shashi Chand Jain,
R/o. House No. F-271. Mangal Bazar,
Laxmi Nagar, Delhi-110092.
- 4 Sh. Ajay Jain,
S/o. Late Sh. Ashok Kumar Jain,
R/o. 258, New Railway Road,
Adarsh Nagar, Gurugram-122001.
- 5 Sh. Naman Jain,
S/o. Late Sh. Ashok Kumar Jain,
R/o. 258, New Railway Road,
Adarsh Nagar, Gurugram-122001.

....Petitioners.

Versus

The State (NCT of Delhi).

.....Respondent.

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Date of Institution : 21.08.2019
Date of order when reserved : 16.03.2020
Date of order when announced : **26.05.2020** (due to
lockdown on account of
COVID-19)

JUDGMENT:

1. The present succession petition has been filed by the petitioners namely Sh. Deepak Jain, Sh. Atish Jain, Sh. Vivek Jain, Sh. Ajay Jain & Sh. Naman Jain in respect of Kisan Vikas Patras, Term deposits & Fixed Deposits, left by the deceased namely Smt. Anu Jain, who expired on 11.10.2013 at Delhi, claiming that the deceased namely Smt. Anu Jain was their Bua being the real sister of father of the present petitioners and there is no other surviving legal heir except them, the deceased being unmarried.

2. After filing of this petition, notice was given to the general public by way of publication in the newspaper 'Vir Arjun' dated 29.02.2020, but none has appeared from general public to oppose or contest the present petition.

3. Thereafter, petitioners led the evidence and examined following witnesses.

PW-1 Sh. Neeraj Maan, Court PA, Office of SPOs, Delhi North Division, Civil Lines, Delhi brought the certified copies of 6 Kisan Vikas Patras lying in the name of Anu Jain, amounting to Rs.72,594/- and the certified copies of Kisan Vikas Patras alongwith applicant forms are collectively exhibited as Ex. PW-1/1.

4. PW-2 Sh. Inderjeet Singh, Assistant Manager, Bank of Baroda, Sadar Bazar, Delhi brought the certified copies of statement of account in respect of three FDRs lying in the name of Anu Jain, which are exhibited as Ex. PW-2/1 (Collectively).

5. PW-3 Sh. Ajay Kumar, Officer, Punjab National Bank, Paharganj branch, Delhi brought a letter furnishing outstanding amount with regard to three FDRs and one saving bank account, lying in the name of Anu Jain, which is exhibited as Ex. PW-3/1.

6. In order to substantiate their case, the petitioner No. 1 Sh. Deepak Jain deposed as PW-4. He deposed that the deceased Smt. Anu Jain was his Bua being the real sister of his father, who expired on 11.10.2013 at Delhi and her death certificate is exhibited as Ex.

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PW-4/1. Further, the deceased was un-married and had not adopted any child. The deceased has three brothers namely Sh. Ravi Chand Jain, Sh. Shashi Chand Jain & Sh. Ashok Kumar Jain, who had expired on 02.01.1993, 01.02.2017 & 18.01.2005 at Delhi and the copies of their death certificates are marked as Mark A to C respectively, leaving behind their LRs, who are petitioners No. 1 to 5 respectively in the present petition. The parents of the deceased Anu Jain predeceased the deceased and the copies of their death certificates are marked as Mark D & E. The deceased did not execute any Will during her life time. The deceased had no sister. The deceased has left behind debts and securities as mentioned in Annexure A which is exhibited as Ex. PW-4/2 and the copies of the relevant documents/certified copies of statement of account in this regard are already exhibited in the statement of the bank/post office official. The deceased was ordinarily a resident of Delhi and there is no impediment for grant of Succession Certificate in his favour and also in favour of all the petitioners.

7. In view of the evidence adduced by the petitioner which has remained un-rebutted and un-controverted, the court is of the

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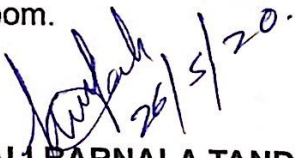
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considered opinion that there is *prima-facie* no impediment for grant of Succession Certificate in favour of petitioner No. 1 namely Sh. Deepak Jain to the extent of 1/3rd share; petitioners No. 2 and 3 Sh. Atish Jain & Sh. Vivek Jain to the extent of 1/6th share each & Sh. Ajay Jain and Sh. Naman Jain to the extent of 1/6th share each (all being sons of predeceased/deceased brothers of the deceased Anu Jain), in terms of Ex. PW-1/1 (Collectively), Ex. PW-2/1 (Collectively) & Ex. PW-3/1, having total balance amount of Rs.4,51,192.04/- lying in the name of deceased namely Anu Jain. Succession Certificate granted accordingly. Succession certificate be drawn on deposit of requisite proportionate court fee of Rs9,024,- & on furnishing an Indemnity Bond with one surety within 15 days.

File be consigned to Record Room.

Announced through
video conferencing
on 26.05.2020


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

THIS JUDGMENT CONTAINS 5 PAGES