

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

Petition No. : SC/125/19

In the matter of:-

Sh. Anil K. Kher,
S/o. Late Shri A.N. Kher,
R/o. F-256, New Rajinder Nagar,
New Delhi-110060.

....Petitioner

Versus

The State & Ors.

....Respondents

Date of Institution : 09.09.2019

Date of order when reserved : 24.09.2020

Date of order when announced : 30.09.2020

J U D G M E N T

1. The present succession petition has been filed by the petitioner namely Sh. Anil K. Kher in respect of share certificates of various companies as mentioned in the **Annexure 'B'**, left by the deceased persons namely Sh. Ajudhia Nath Kher and Smt. Shakuntla Kher (hereinafter referred as the '*deceased persons*'), who expired on 02.09.1994 and 21.11.1993 respectively at Delhi, claiming that the '*deceased persons*' were the father and mother of the present petitioner.

2. After filing of this petition, notice was given to the general public by way of publication in the newspaper '*The Times of India*' dated 14.02.2020, but none has appeared from the general public to oppose or contest the present petition.

3. In order to substantiate his case, the petitioner Sh. Anil K. Kher tendered his evidence by way of evidentiary affidavit, Ex. PW-1/A which bears his signatures at point A and B respectively. He deposed that the '*deceased persons*' Sh. Ajudhia Nath Kher and Smt. Shakuntla Kher expired on 02.09.1994 & 21.11.1993 respectively and their death certificates are exhibited as **Ex. PW-1/1** and **Ex. PW-1/2** respectively. Besides him, the deceased has left behind respondents No. 2 to 5 as their surviving class-I legal heirs. The '*deceased persons*' were resided within the jurisdiction of this Court. The '*deceased persons*' had left behind movable assets i.e. share certificates of various companies, the details of which are mentioned in the **Ex. PW-1/3** and the copies of share certificates are collectively exhibited as **Ex. PW-1/4**. The copy of newspaper '*The Times of India*' dated 14.02.2020, containing the notice of the petition to the general public is exhibited as **Ex. PW-1/5**. He further deposed that the '*deceased persons*' did not execute any Will during their lifetime. **Ex. PW1/6** is an affidavit with respect to the market value of the shares as on

27.12.2019. It is stated by the present petitioner that respondents No. 2 to 5 have filed their affidavits with regard to their no objections to the grant of succession certificate in his favour qua the debts and securities i.e. shares certificates of various companies as mentioned in the Annexure B, left by the '*deceased persons*'. **Ex. PW-1/7** is an affidavit executed by the petitioner with regard to the death of the mother of the deceased Sh. Ajudhia Nath Kher, who had expired in the 1960's i.e. prior to the death of deceased Sh. Ajudhia Nath Kher and also furnished that there is no other surviving class-I legal heirs of the deceased except the parties in the present matter. There is no impediment for grant of Succession Certificate in his favour.

4. In view of the evidence adduced by the petitioner which has remained un-rebutted and uncontroverted as well as no objection affidavits of other LR's which are on record, the court is of the considered opinion that there is *prima-facie* no impediment for grant of Succession Certificate in favour of the petitioner namely Sh. Anil K. Kher in respect of shares of various companies as mentioned in the Annexure 'B', in terms of Ex. PW-1/4 (Collectively), having current market value of Rs.31,76,499.60p only lying in the name of '*deceased persons*'.

5. Succession Certificate granted accordingly. Succession certificate be drawn on deposit of requisite court fee of Rs.63,530/- & on furnishing an Indemnity Bond with one surety within 15 days.

File be consigned to Record Room.

Announced through
Video conferencing
on 30.09.2020

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

THIS JUDGMENT CONTAINS 4 PAGES