

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

Petition No. : SC/167/19

In the matter of:-

Ms. Urmil Dutta,
D/o. Shri Bhagwan Datta,
W/o. Sh. Yudhister Datta,
R/o. 15662, Signature Drive,
Winter Garden, Florida-34787,
U.S.A. (Through her Power of Attorney Holder,
Dr. Rahul Dutta.)

.....Petitioner.

Versus

The State.

....Respondent.

Date of Institution : 03.12.2019

Date of order when reserved : 16.07.2020

Date of order when announced : 16.07.2020

J U D G M E N T :

1. The present succession petition has been filed by the petitioner namely Ms. Urmil Datta in respect of NSCs, one UTI bond & one Bond issued by Government of India, left by the deceased namely Ms. Saroj Dutta, who expired on 10.01.2014 at Delhi, claiming that the deceased namely Ms. Saroj Dutta was the sister of the present petitioner.


16/07/20

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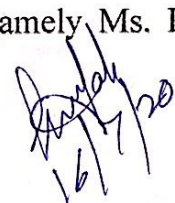
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2. After filing of this petition, notice was given to the general public by way of publication in the newspaper "The Statesman" dated 21.01.2020, but none has appeared from general public to oppose or contest the present petition.

3. In order to substantiate her case, the petitioner Ms. Urmil Datta has executed a General Power of Attorney in favour of Dr. Rahul Dutta and the original General Power of Attorney is exhibited as **Ex. PW-1/1**. The General Power of Attorney holder Dr. Rahul Dutta deposed as PW-1 on behalf of the petitioner. It is stated that the deceased namely Ms. Saroj Dutta was the sister of the petitioner Ms. Urmil Datta. The deceased Ms. Saroj Dutta expired on 10.01.2014 at Delhi and her death certificate is exhibited as **Ex. PW-1/2**. It is stated that the deceased Ms. Saroj Dutta was un-married and had not adopted any child. It is further stated that the parents of the deceased predeceased the deceased. Further, the deceased has left behind one brother namely Sh. Surinder Dutta, who had also expired in the year 1981 leaving behind besides him, one daughter namely Ms. Divya

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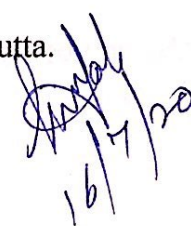
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Dutta. The deceased has also left behind besides the present petitioner, three sisters namely Smt. Sheela Dutta, Shashi Dutta & Shakun Bagai, who had also expired after the death of the deceased Ms. Saroj Dutta. The death certificates of Mr. Surender Dutta, Mrs. Shakun Bagai, Ms. Sheela Dutta & Smt. Shashi Dutta are exhibited as Ex. PW-1/3 to Ex. PW-1/6. He deposed that Smt. Sheela Dutta and Shashi Dutta was unmarried while Shakun Bagai was married but died issueless. The deceased Ms. Saroj Dutta did not execute any Will during her life time. By way of the present petition, petitioner Urmil Dutta is claiming half share in the debts and securities of deceased Ms. Saroj Dutta as she has filed the present petition only qua the debts and securities of only deceased Ms. Saroj Dutta. The deceased has also left behind NSCs, one UTI bond (in the name of Saroj Dutta) & one bond issued by Govt. of India, the copies of the same are exhibited as Ex. PW-1/56 & Ex. PW-1/57(OS&R). The total amount of NSCs is Rs.3,50,398.50p. The amount of UTI Bond issued by Govt. of India is Rs.40,000/- & Rs.45,000/- respectively. The deceased was ordinarily a resident of Delhi and there is no impediment for grant of Succession Certificate in favour of the petitioner Mrs. Urmil Dutta.

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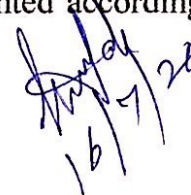
Thereafter, the PE was closed and final arguments were heard.

4. From perusal of the Ex. PW-1/57 i.e. bond issued by Government of India, reflects that the same is jointly lying in the name of Saroj Datta & Sheela Datta, however, it is admitted that petitioner is claiming only the debts and securities of deceased Ms. Saroj Datta, hence, petitioner is entitled half share in the said securities i.e. bond issued by Government of India having an amount of Rs.45,000/-.

5. 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 Ms. Urmil Datta to the extent of half share in the National Saving Certificates & one bond issued by Government of India, in terms of Ex. PW-1/7 to Ex. PW-1/55, Ex. PW-1/57 & and also entitled the full amount in terms of Ex. PW-1/56 lying in the name of the deceased Ms. Saroj Datta, having total amount of Rs.4,12,898.50p lying in the name of deceased namely Ms. Saroj Gupta. Succession Certificate granted accordingly.

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Succession certificate be drawn on deposit of requisite proportionate court fee of Rs.8,257/- & on furnishing an Indemnity Bond with one surety within 15 days.

File be consigned to Record Room.

Announced through
Videoconferencing
on 16.07.2020


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

THIS JUDGMENT CONTAINS 5 PAGES