

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

Petition No. : SC/89/18

In the matter of:-

1. Mr. Virender Malik,
S/o. Late Bhagat Ram Malik,
R/o. 59, Spruce Avenue,
Richmond Hill, Ontario L4C 6V9,
Canada.
2. Mr. Parmod Malik,
S/o. Late Bhagat Ram Malik,
R/o. 10, Arnie's Chance Road,
Stouffville, Ontario L4A 1L7,
Canada.

....Petitioners.

Versus

1. The State,
Through its Secretary,
Delhi Secretariat,
New Delhi.
2. Mrs. Sudha Malik,
W/o. Late Sh. Ravinder Malik,
- 2A. Ms. Bobby Malik,
D/o. Late Ravinder Malik,

Respondents No. 2 & 2A are
R/o. 19, Kings Acres,
Saraswati Road, Santa Cruz,
Mumbai.

....Respondents.

Date of Institution : 10.07.2018
Date of order when reserved : 21.08.2020
Date of order when announced : 28.08.2020

J U D G M E N T :

1. The present succession petition has been filed by the petitioners namely Mr. Virender Malik & Mr. Parmod Malik in respect of 441 share certificates of M/s. Hindustan Lever Limited, left by the deceased namely Sh. Bhagat Ram Malik, who expired on 19.10.1995 at Delhi, claiming that the deceased namely Sh. Bhagat Ram Malik was the father of the present petitioners.

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 17.08.2018, none has appeared from general public to oppose or contest the present petition.

3. In order to substantiate their case, the petitioner No. 1 Sh. Virender Malik deposed as PW-1 by way of his evidentiary affidavit, Ex. PW-1/1 and proved on record the documents i.e. Mark A is the copy of death certificate of Smt. Shakuntala; Mark B is the copy of

death certificate of Sh. B.R. Malik; Mark C is the copy of death certificate of Sh. Ravinder Malik; Ex. PW-1/4 (collectively) are the copies of share certificates; Ex. PW-1/5 & Ex. PW-1/6 respectively are the copies of passport and passbook of the deceased; Ex. PW-1/7 is the copy of graduation certificate of petitioner No. 2 Sh. Parmod Kumar Malik & Ex. PW-1/8 is the copy of marriage certificate. It is stated that the deceased Sh. Bhagat Ram Malik was his father, who expired on 19.10.1995 at Delhi and copy of his death certificate is exhibited as Ex. PW-1/2. Besides him, the deceased has also left behind another son namely Sh. Parmod Malik, who is also petitioner no. 2 in the present petition. It is stated that other son of the deceased namely Sh. Ravinder Malik had expired on 01.11.1995 and his death certificate is exhibited as Ex. PW-1/3, leaving behind his wife and one daughter, who are respondents No. 2 and 2A in the present petition. The wife of deceased (Sh. Bhagat Ram Malik) namely Smt. Shakuntala Malik died on 12.01.1991 and her death certificate is exhibited as Ex. PW-1/1. There is no other class-I legal heirs of the deceased except both the petitioners and respondents No. 2 & 2A. The deceased has left behind 441 shares of M/s. Hindustan Lever Limited. The market value of per

share of M/s. Hindustan Lever Limited is Rs.1485/- at the time of filing of the present petition, hence the total market value of 441 shares is Rs.6,54,885/-. The deceased did not executed any Will during his life time. 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 petitioner no. 2 Sh. Parmod Malik and LRs of deceased's son Sh. Ravinder Malik namely Mrs. Sudha Malik and Ms. Bobby Malik to the extent of 1/3rd share.

4. The undersigned has heard the submissions advanced by the Ld. Counsel for the petitioner, during which, Ld. Counsel for the petitioner has submitted that he has sent the copy of announcement date electronically regarding split of shares from face value of Rs.10/- to Rs.1/- of M/s. Hindustan Unilever Limited, as it was earlier named as M/s. Hindustan Lever Limited. It is further submitted that in view of the same, the total share holding of the deceased comes to 4410 shares and the current market value of the shares for which succession certificate has been sought is Rs.1988/-. As per the said market value, the total valuation of the shares is Rs.87,67,080/- (Rs.1988 x 4410

shares). It is further submitted that inadvertently, the total number of shares i.e. 461 shares has been wrongly mentioned in the petition instead of 441 shares of M/s. Hindustan Lever Limited, however, the details of 441 shares has been mentioned in the evidentiary affidavit of the petitioner No. 1. As such, succession certificate be granted with regard to 4410 shares of M/s. Hindustan Lever Limited.

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 both petitioners namely Mr. Virender Malik & Sh. Parmod Malik to the extent of 1/3rd share each & also in favour of respondents No. 2 & 2A namely Mrs. Sudha Malik and Ms. Bobby Malik to the extent of 1/6th share each being the LRs of deceased's son Sh. Ravinder Malik regarding 4410 shares, having total value of the shares is Rs.87,67,080/- lying in the name of deceased namely Sh. Bhagat Ram Malik. Succession Certificate granted accordingly. Succession certificate be drawn on deposit of requisite proportionate court fee of Rs.1,75,342/- & on furnishing an

Indemnity Bond with one surety within 15 days.

File be consigned to Record Room. SHEFALI
BARNALA
TANDON

Digitally signed
by SHEFALI
BARNALA
TANDON
Date:
2020.08.28
16:49:41 +05'30'

Announced through video
Conferencing on 28.08.2020

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

THIS JUDGMENT CONTAINS 6 PAGES