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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 15.09.2026***

\# **CNR No. DLHC010559612019**

\+ **TEST.CAS. 22/2019 and IA No.8134/2025**

JATINDAR LAL .....Petitioner

Through: Mr. Jaswinder S. Nischal, Adv. along with the applicant in person

versus

STATE & ORS. .....Respondents

Through: Ms. Astha Gupta, Advocate for R1.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

IA No. 8134/2025 (filed on behalf of LR of petitioner seeking extension of time for sale of property)

1. The present application has been filed on behalf of the applicant, Sh. Vipan Chopra, one of the legal representatives of the deceased petitioner, under Section 151 of the Code of Civil Procedure, 1908 ("the CPC"), seeking a further period of six months for effecting the sale of the property bearing No. L-86, Sector-11, Noida-201301 ("the Noida property"), forming part of the estate of the late Smt. Satish Kumari, and one month thereafter, for distribution of the sale proceeds.

2. The captioned petition was filed by Sh. Jatindar Lal under Section 278 of the Indian Succession Act, 1925 ("the ISA") seeking Letters of Administration in respect of the Will dated 23.11.2017 of the late Smt. Satish Kumari. Under the said Will, the Noida property was to be

bequeathed to the petitioner, whereas the property bearing House No. 162, Sector-29, Faridabad ("the Faridabad property") was directed to be sold and the proceeds distributed in the manner stipulated therein.

3. *Vide* judgment dated 19.02.2020, Letters of Administration were granted in favour of the petitioner, subject to furnishing of the requisite court fee, administration bond and surety bond. The said petitioner passed away on 26.04.2021, and his legal representatives, including the applicant, were brought on record *vide* order dated 14.12.2021 passed in I.A. 14097/2021 under Order XXII Rule 3 of the CPC.

4. Upon the bonds being accepted *vide* order dated 03.01.2024, the Letters of Administration were drawn up on 16.01.2024. The Letters of Administration require the inventory of the estate to be exhibited within six months and the account to be rendered within one year, *"or within such further time as the Court may, from time to time, appoint"*. The time for administering the properties was earlier extended by six months *vide* order dated 30.07.2024 passed in I.A. 33305/2024.

5. Notice of the present application was issued on 19.11.2025. Respondent no. 1 has entered appearance; respondent nos. 2 to 5, served by way of publication pursuant to order dated 02.02.2026 passed in I.A. 2801/2026, have neither appeared nor filed any objection.

6. Learned counsel for the applicant submits that the Faridabad property has since been sold, and that the Noida property alone remains to be sold, for which purpose the present extension is sought. Learned counsel for respondent no. 1 has no objection. No objection has been received from respondent nos. 2 to 5. The application is, thus, wholly unopposed.

7. Insofar as the enlargement of time is concerned, there is no

impediment. Section 317(1) of the ISA, which prescribes the periods for exhibiting the inventory and rendering the account, itself empowers the Court which made the grant of letters of administration to appoint further time. The relevant portion reads as under:

> *"317. Inventory and account.—(1) An executor or administrator shall, within six months from the grant of probate or letters of administration,* ***or within such further time as the Court which granted the probate or letters may appoint****, exhibit in that Court an inventory … and shall in like manner, within one year from the grant* ***or within such further time as the said Court may appoint****, exhibit an account of the estate …"*

8. Thus, Section 317 of the ISA, read with Section 151 of the CPC, empowers this Court to enlarge the time for completing the administration of the estate. In the facts of the present case, this Court is satisfied that sufficient cause has been made out for such enlargement. There is nothing to suggest that the delay is wilful. A substantial part of the time consumed since the institution of the present application is attributable to the steps required to effect service upon respondent nos. 2 to 5, who ultimately had to be served by way of publication, and that circumstance cannot be laid at the door of the applicant. Furthermore, no prejudice is likely to be caused to either of the parties by the grant of the extension sought.

9. The proposed sale of the Noida property, however, faces two impediments:

(i) Firstly, the Will does not contemplate a sale of the Noida property; it directs that the said property was to be bequeathed to Sh. Jatindar Lal, i.e., it bequeaths the same absolutely to the petitioner. The testatrix being a Hindu, Section 307(2)(ii)(a) of the ISA provides that an administrator may not, *"without the previous permission of the*

Court by which the letters of administration were granted", transfer by sale *"any immovable property for the time being vested in him under section 211"*.

(ii) Secondly, the Letters of Administration made the petitioner, Sh. Jatindar Lal, the administrator of the estate. Upon his demise, no person has been appointed administrator in his place. Substitution of his legal representatives under Order XXII Rule 3 of the CPC, or the furnishing of bonds by them, does not, by itself, make any of them the administrator in his place. There is, thus, presently no administrator competent to effect the sale on behalf of the estate.

10. In the circumstances, it is directed as under:

(i) The time for effecting the sale of the Noida property, and for distribution of the sale proceeds, is extended by six months from today, i.e., up to 15.03.2027;

(ii) The extension is granted **subject to** (a) the applicant, or such other person as may be entitled in law, being appointed by this Court as administrator of the estate of the late Smt. Satish Kumari in place of the deceased petitioner; and (b) the requisite permission (as may be required) being obtained under Section 307 and/or other relevant statutory provisions, of the ISA, for the sale of the Noida property;

11. Nothing contained herein shall be construed as an adjudication upon, or as conferring, any rights, title or interest of any person in the estate of the late Smt. Satish Kumari, nor as determining *inter se* rights of the beneficiaries under the Will or of the legal representatives of the deceased petitioner. Nothing herein shall absolve the applicant of any statutory obligation, including in respect of stamp duty and applicable taxes, attendant

upon such sale.

12. The application stands disposed of.

SEPTEMBER 15, 2026/sd **SACHIN DATTA, J**