



2025:DHC:9507



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

+ **TEST.CAS. 14/2025 and I.A. 2804/2025**

Date of Decision: **14.10.2025**

**IN THE MATTER OF:**

**1. SH CHETAN CHAUHAN**  
S/O LT. SH. MADHO SINGH CHAUHAN  
R/O J-77, SAKET, NEW DELHI

.....PETITIONER

*(Through: Mr. K. Sunil and Ms. Jahanvi Kapoor, Advocates.)*

Versus

**1. STATE OF NCT OF DELHI**  
THROUGH ITS SECRETARY  
OFFICE AT; DELHI SACHIWALYA  
I.P. ESTATE -DELHI

**2. MS. RITU CHAUHAN**  
W/O LT. SH. MADHO SINGH CHAUHAN  
R/O J-77, SAKET, NEW DELHI

**3. SH. PIYUSH CHAUHAN**  
S/O LT. SH. MADHO SINGH CHAUHAN  
R/O J-77, SAKET, NEW DELHI

**4. MS. SMRITI CHAUHAN**  
D/O LT. SH. MADHO SINGH CHAUHAN  
R/O J-77, SAKET, NEW DELHI

**5. MS. KANIKA CHAUHAN**  
D/O LT. SH. MADHO SINGH CHAUHAN  
R/O K-4002, 3<sup>RD</sup> FLOOR, SECTOR 49,  
FARIDABAD, HARYANA



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.....RESPONDENTS

(Through: Ms.Urvi Mohan, Panel Counsel for R-1.  
Mr. Sushil Tripathi, Advocate for R-2 to 5.)

**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

By way of the instant petition under Section 278 of the Indian Succession Act, 1925 the petitioner seeks for Letters of Administration (*hereinafter referred to as LoA*) with respect to the estate of Late Sh. Madho Singh Chauhan (*hereinafter referred to as 'testator'*) being properties mentioned in Schedule I and II attached with the petition.

2. The facts manifest that the testator died intestate on 04.12.2024. The testator was married to Ms. Ritu Chauhan i.e. respondent no.2 herein, on 02.11.1982 and out of the said wedlock, four children were born, namely, Sh. Chetan Chauhan, i.e. the petitioner herein, Sh. Piyush Chauhan, Ms. Smriti Chauhan and Ms. Kanika Chauhan i.e. respondent nos.3, 4 and 5, respectively. It is further stated that the petitioner and respondent no.2 to 4 are residing at J-77, Saket, New Delhi and respondent no. 5 is residing at Faridabad.

3. It is further submitted on behalf of the petitioner that another property bearing no. 1436/153, Than Singh Nagar, Liberty Road, Rohtak Road, Delhi-05, was constructed with the financial assistance of respondent no.2



and her father, which remained as joint family properties. It is also stated that respondent no.2 had made several payments towards construction, maintenance, and repayment of a DDA loan initially taken in the name of the testator. Accordingly, the testators and his legal heirs, i.e., respondent Nos. 2 to 5, are asserted to be of joint owners of the said properties.

4. The Schedule –I properties relate to immovable properties and Schedule-II properties relate to movable properties, which are extracted as under:-

**SCHEDULE I – IMMOVABLE PROPERTIES**

- (i) *Property No. J-77, Saket, New Delhi.*
- (ii) *Property No. 1436/153, Than Singh Nagar, Liberty Road, Rohtak Road, Delhi-05 (It is stated that these properties are the subject matter of pending proceedings before competent courts, including CS(OS) No. 589/2023 and RFA No. 526/2023 before this Court.)*
- (iii) *Property known as Rukmani Narayan Gaushala, Khasra No. 584, Hiran Kunda, Mundka, Delhi.*

**SCHEDULE II – MOVABLE PROPERTIES**

- (i) *Rukmani Narayan Nar Nari Swayam Sewi Sanstha, A/c No. 19012001002, Delhi State Co-operative Bank Ltd., Mundka.*
- (ii) *Life Insurance Policy No. 132648818, Canara Bank – OBC Life Insurance Titanium Plus Plan.*
- (iii) *Bank and Post Office Accounts, including A/c No. 10006087116, Finacle UNI Banking Services, Paschim Vihar, Delhi.*
- (iv) *Wagon R Car bearing registration No. DL-1113.*

5. Respondent nos. 2 to 5 support the case of the petitioner and have expressed their no objection. Their statement to that effect has been recorded



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by the Court *vide* order dated 28.04.2025. On 05.05.2025, the Joint registrar noted that the No Objection Certificate, along with the *vakalatnama* has been placed on record.

6. Subsequently, on 04.07.2025, the petitioner examined PW-1, Sh. Chetan Chauhan, and PW-2, Smt. Ritu Chauhan, who were duly cross-examined and discharged. Further, learned counsel for respondents no. 2 to 5 stated that they did not wish to examine any witnesses, and accordingly, the respondents' evidence was also closed. It is, thus, seen that there is no contest to the instant petition.

7. The SDM has also submitted the valuation report with respect to one property. It is stated that out of the three properties mentioned in the petition, property bearing Khasra No. 584, situated at Rukmani Narayan Gaushala, Hiran Kudna, Mundka, Delhi, measuring 1700 sq. yards, falls under the jurisdiction of Sub-Division Punjabi Bagh. As per the patwari's report, one Sh. Sanjeev, son of Sh. Suraj Bhan, was found in possession of the said property and claimed that it belonged to his family. He further stated that one Sh. Madho Singh Chauhan had taken the property on rent for running a Gaushala and raised objections to the valuation of the property being provided in the court case.

8. This Court in the case of ***Sh. Raj Rani Bhasin vs. State***<sup>1</sup>, has held that the person to whom LoA is granted does not thereby, become entitled to the property or estate of the deceased/testator and the estate still succeeds according to the law of succession applicable to the deceased/testator. The primary objective of a LoA, issued by the Court, is to authorize the



appointed administrator to gather and consolidate the assets of the deceased or testator. It also allows the administrator to interact with relevant authorities where such assets are held or recorded, enabling the realization of those assets and facilitating their transfer to the rightful successors in accordance with the applicable laws of succession. It was further held that the administrator is required to, from time-to-time, to file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with the law of succession applicable to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant. For the sake of clarity, Paragraph no.9 of the aforesaid decision reads as under:

*“9. The person to whom letters of administration are granted does not thereby become entitled to the property or estate of the deceased. The estate still succeeds according to the law of succession application to the deceased. The purpose of Letters of Administration is merely to enable the administrator so appointed by the Court to collect/ assimilate the properties of the deceased, and/ or to deal with the various authorities with whom the properties of the deceased may be vested or recorded and to realize the same and / or to have the same transferred in the names of the successors in accordance with law of succession applicable to the deceased. The administrator is required to, from time-to-time, file accounts in the Court with respect to the administration of the estate and/ or as to how the estate has been settled/ transferred to the successors in accordance with law of succession application to the deceased and upon the administrator defaulting in the same, the Court retains the power to revoke the grant.”*

9. Under the aforesaid circumstances, there is no impediment in granting the LoA with respect to the estate of the testator, subject to the Joint Registrar being satisfied regarding the aspect of the valuation of the

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<sup>1</sup> 158(200) DLT 713



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property, on the basis of the valuation report already received or would be received.

10. In view of the aforesaid, the Court directs that the LoA be issued in favour of the petitioner by the concerned Registrar, subject to furnishing the bond as well as the payment of the applicable Court fee.

11. Ordered accordingly.

12. Let this matter be listed before the concerned Joint Registrar for compliance on 09.12.2025.

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**

**OCTOBER 14, 2025**  
*Nc/sph*